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HOUSE.....



.....No. 285.

129

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INVESTIGATION

INTO THE

MANAGEMENT AND DISCIPLINE

OF THE

12- STATE REFORM SCHOOL

AT WESTBOROUGH,

BEFORE THE COMMITTEE ON PUBLIC CHARITABLE
INSTITUTIONS.

6

BOSTON:

ALBERT J. WRIGHT, STATE PRINTER,
79 MILK STREET (CORNER OF FEDERAL).

1877.

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FIRST HEARING.

TUESDAY, March 27, 1877.

Senator DENNY of Suffolk in the chair.

The CHAIRMAN. The Committee on Public Charitable Institutions have met this morning, in pursuance of a public notice, to consider the order introduced in the House, by Mr. Allen of Boston, relative to the expediency of legislation in regard to discipline at the Westborough Reform School.

I will state that Senator Swett, who is a member of the Committee, desires to be excused from sitting with the Committee during the hearing, as he is one of the trustees of the institution. If it is the pleasure of the Committee that he be excused, they will please say aye.

[The motion was declared in the affirmative.]

The CHAIRMAN. In considering the propriety of legislation in regard to discipline, it will be essential for us to hear testimony upon the points of what the present discipline of the institution is; and I desire to state that, in the consideration of the question of the disturbance which occurred in the institution on the 12th of January, the Committee further considered the matter of discipline, in consequence of written statements that were made concerning the discipline there, that the punishments were cruel and unnecessarily severe; and we pursued the investigation upon those points. We are now prepared to hear every person who testified before the Committee then, or any other persons who have any information with reference to the discipline of that institution. We are now ready to hear from them first.

Mr. Allen of Boston, who introduced the order, I will ask to open the case in any way that he may see fit; stating that the Committee are ready, first, to hear the testimony bearing upon the punishments at that institution; and, having evidence upon that point, then we shall be ready to consider whether the present laws are essential to covering the necessities of the case or whether it is expedient to have further legislation.

MR. ALLEN. *Mr. Chairman and Gentlemen of the Committee:*—This is a matter in which I have not taken any personal interest beyond that which I presume is felt by every citizen of the Commonwealth who is acquainted at all with the few facts which have been made public in regard to the discipline and management of the State Reform School at Westborough. My attention was first called to the matter by a report signed by ten members of the Committee, which report states:—

“Your Committee feel that punishments by some of the subordinate officers and employes of the institution have at times been injudicious and unnecessarily severe, and that proper records of the same have not in all cases been kept or required.”

I have felt fully impressed that, in the governing of boys of this class and character, the use of more force or violence than is necessary to maintain a perfect discipline is not only not good, but is productive of evil, and that continually. In other words, if you beat bad boys and young men, and treat them like brutes, you make brutes of them. And I have felt, from what has been said, if these boys have been thus dealt with, if punishments have been inflicted such as have been stated upon the floor of the House of Representatives, the dealing with these young men is in the direction of crime and in the interest of the state prison.

Now, it was stated upon the floor of the House, that the punishments of that institution are of three kinds. It was stated by a member of this Committee who was there, and who investigated the matter to his own satisfaction, that one punishment was to take boys of 16 or 17 years, and strip them naked, and beat them across their naked backs with a heavy leather strap, so that when the Committee visited that institution six weeks afterward, the marks remaining as a result of such treatment could be distinctly seen, and could be measured by a sheet of paper laid upon their backs. If that is so, and if there is no record made of it,—if those boys, four or five hundred of them, are placed there in charge of these keepers and managers, and they can be flogged and beaten to that extent and there is no record made of it, and no way in which it can be reached, then it is a great wrong, and ought to be remedied; there should be legislation.

It was said there that they have a concern known as a sweat-box, being a box 18 inches in width, with a movable board in front, which can be moved in and closed upon them; and the middle walls upon which they lean are so arranged, I have been informed, that if their arms are put inside they cannot put them out, and if by their side they cannot raise them; and they have been kept there for hours and hours. If that is so, it seems to me it is a great wrong, and a thing which ought to be corrected. I submit that any good talk from the Chaplain of that institution, to a boy who has just come out from such a flogging, or from six hours imprisonment in this box, would be likely to do very little good.

It was said further, that another means of punishment was to play upon them a stream of cold water until they succumb, not as a means of quelling a riot, but as a punishment. Now, I submit that is improper.

Now, the whole Committee of ten report that the punishments have been injudicious and unnecessarily severe; and the object of this investigation is to know how and to what extent they were unnecessarily severe, and to what extent they were injudicious.

And the Committee say further, that the proper records have not, in all cases, been kept or required. I think the House and the Legislature desire to know to what extent any record has been kept, so that we may know what has been done at that institution. No person, no member of the Legislature, no citizen of Massachusetts will be more pleased than I to ascertain that there has been some mistake made somewhere, and that the statements which have been made were in fact over-colored, or that the boys were mistaken. On the other hand, if they are found to be substantially true, no one will be more ready than I—except

JUN 11 1885

it may be the members of the Committee, whom I shall expect will join—in putting down such a state of things, and in doing justice to these boys.

Now, in regard to the state of discipline, I understand at the last meeting of this Committee, no further action was taken than to put the regular men, the superintendent, and the officers in authority on the stand and ask them to state exactly what the present system is, what the punishments are, and to what extent they are applied. Therefore, I would respectfully ask that the superintendent, if he is present, be questioned enough to give to the Committee and to others the facts as they exist at the institution in regard to discipline.

I may say frankly I do not take the onus of conducting this examination. I am only one citizen of many; but I should be glad to be present to hear what he and the other officers may have to say, and it may be that the Committee will think that is as far as the Committee think wise to go, and will not desire to hear other testimony.

Mr. HENRY D. HYDE. As representing the trustees and the superintendent, I did not understand that this was to be the order of proceeding, and I told the chairman of the board he need not be here to-day, because I understood the order of proceeding was that there were certain complaints to be made against the school; that those would be made by those parties, and that the fullest opportunity would be given to the officers of the institution to supply such facts as they found the Committee might desire. Therefore, the chairman of the board is not here, nor are any of the trustees, except one. Therefore, I think it would be better that those people who have any complaints to make in regard to the school should first be given an opportunity, and then the trustees can answer them to any extent the Committee may desire.

The CHAIRMAN. The chair desires to state that the clause in the report of the Committee, which has been read by Mr. Allen,—that portion of the report was made in consequence of charges which had been made in writing, by at that time, one of the officers in the institution, in regard to the subject of punishments in that institution; that was the statement made by him and by others. Some persons have been notified to appear here this morning, that what had been at that time made in private should, at this public hearing, be made public; and then if there was any answer to be made to these charges by officers, or by others connected with the institution, the Committee will be ready to hear them.

As I stated in the opening, the order of proceedings will be first to hear those who have any criticisms or charges to make upon the administration and discipline of the institution, and then, having heard from the officers of the institution with reference to the same, legislation upon discipline can be easily considered. I will ask the clerk to state who he has notified to appear here this morning and give us testimony upon these points.

Mr. SANDERSON (the clerk). Notices have been sent to Mr. Phillips, to Mr. Hinekey, to Mr. F. B. Sanborn, to the trustees of the Reform School through one of their number, Mr. Swett, and to Sidney Andrews of the board of state charities.

Mr. PRESCOTT. Before this investigation proceeds I should like to say just a single word. I cannot agree with the Chairman when he states here that the clause in the report that punishments had been unjust and sometimes unnecessarily severe was inserted because certain charges were made by certain officers connected with the institutions. Certainly no committee would put into their report such statements on charges, unless such charges were proved. It seems to me these statements were made, Mr. Chairman, on the evidence which appeared to this Committee or to sub-committees of this Committee, who went to the institution at two separate times and saw for themselves that these punishments had been inflicted, that these punishments were unjust, that these punishments were unnecessarily severe, and that the proper records of the same had not been kept or required. It seems to me, if we want the testimony in regard to the punishments themselves, we must take some steps for getting that testimony that the sub-committees have heretofore taken and reported to this general committee. That is, to have, of course, a proper examination of such parties who desire to appear before this Committee, this Committee should have before them, either here or at this school at Westborough, some dozen, fifteen or twenty more boys whom this sub-committee have seen there, and whom the sub-committees have examined upon this case. I believe there was no difference of opinion among the members of the sub-committees who have visited the institution and made long and personal investigations into this matter in regard to the state of affairs there. It would seem to me that would be the most positive evidence we could get in the matter, and would be worth more than any statement which might be made by any official in regard to any case which he had heard of. In regard to one witness who was summoned here to-day and who has been considered, perhaps, somewhat prominent in this matter of investigation,—I refer to Mr. Hinckley, formerly connected with the institution,—I have been informed by a member of the House, to-day, that he is quite seriously sick with erysipelas, but hopes to be here in the course of a day or two.

Mr. TOMPKINS. I would like to ask who the party is in the hearing—the Committee or the institution?

The CHAIRMAN. The chair stated that the order referred to us had reference to the cruelty of punishment and of matters pertaining to discipline in the institution at Westborough. The object of our investigation is, as the chair stated in the first place, the written statement made by an officer in the institution, given in detail, specifying instances of cruelty practised upon the boys in that institution in the way of punishment. We took up our investigation upon that testimony, and, so far as the Committee knew, upon that testimony alone. As we proceeded, however, we continued and extended our investigation, and sub-committees were selected and appointed to go to Westborough and make investigations there. They did so, and made a report to the general committee. Now, we are prepared to hear from any direction, whether from boys or officers, or anybody else who has any information or statement to make with reference to the discipline of that institution, and the severity of

punishments in that institution. It is well known—it has been circulated throughout the State—the press have circulated the statement—that punishments in that institution have been cruel. Particular instances have been stated, and this public hearing is, that the bottom facts with regard to these punishments may be brought out; and the persons who appeared before us then have been requested to appear here now and state whatever they may have said upon these points. We are ready to hear from the officers of the institution, at the proper time, in regard to any charges they wish to answer; though I presume if we ask the officers to come forward at the present time, they will ask us what they are to answer and what the charges are. Therefore, the first proceedings at this hearing, in my judgment, and in the judgment of other members of the Committee, is, that charges shall first be made, and then we will see whether the charges can be met.

Mr. ALLEN. I do not understand, Mr. Chairman, that the proceedings are based upon actual charges. I understand the Committee are appointed here by the Legislature to make an investigation of the facts as they exist, based upon the report of this Committee.

Mr. TOMPKINS. If the gentleman will allow me, I shall have to ask why we are here?

The CHAIRMAN. On an order of the House in regard to the expediency of legislation relative to discipline at the Westborough Reform School.

Mr. TOMPKINS. Then having made a report upon that—

The CHAIRMAN. That report is in the past.

Mr. TOMPKINS. What are we here for?

Mr. ALLEN. Mr. Chairman, I think it is perfectly competent that, having made a report, as the gentleman says, and included in that report a statement that the officers and employés have been unjust and unnecessarily severe in their punishments, we are here to ascertain how unjust and how unnecessarily severe these punishments have been. This full Committee have reported that proper records have not been kept or required, and we are to ascertain how far they are required and how far they have been kept. It need not be in the nature of a charge, although such charges may have been made. Look, Mr. Chairman, for one moment, and see in what position you place the people of Massachusetts. A committee of ten say that punishments have been administered injudicious and unnecessarily severe; and the Legislature of the State ask this Committee, as the people of the State ask the Committee, for an investigation, and they will have to say, in answer, that they came in here and the officers would not answer, and the inmates are locked up and cannot; and we are carefully told by your chairman that the officers of the institution will not come, and will not open their lips, and the 400 boys in the institution cannot come because they are locked up. Now, I submit to this Committee, as reasonable men—men of business, men of common-sense—that there is an institution walled in, with the gates locked, and you send there 400 boys of this Commonwealth, and make an effort to reform them. They are vicious, many of them criminal, and you are trying to make them better.

Mr. TOMPKINS. I shall object to argument.

Mr. WASHBURN. Let him go on.

Mr. ALLEN. Having these rumors coming out, as has been stated by the Chairman, which have been spread abroad and have finally been embodied in the report of this Committee, this Committee coming to investigate it, does not need charges. But whatever has been done there, has been done within gates and walls and bars. It is impossible I should know, or that any of these gentlemen should know it. Do you suppose if they put a boy in the sweat-box, I could testify, or could either of these gentlemen? We could not have got in if we had been in the town of Westborough. The fact is, that the real truth about it is confined substantially to the employes and officers, and how are we going to know unless they come and speak? The boys who have suffered cannot come. I agree with a member of your Committee that these boys, whose persons have been subjected to this treatment, should be allowed to tell their stories. These boys were witnesses themselves, and we ought to have, as a member of the Committee has said, five, ten, or twenty of them, with a view to taking evidence in regard to the charges that have been made; and I ask that Mr. Prescott, who was a member of the sub-committee, and who went there and took testimony very fully, as I understand, and who is able to give us, in substance or in full, the result of his investigation be heard. I do it, because the Committee has said that they have been over this ground once, and I suppose it is the only point before the Committee.

Mr. TRAIN. I want to correct one impression, that the gates are not ajar at the Reform School at Westborough for any investigation. My idea of what we are here for is, that the Committee have had certain statements in regard to what has been referred to as improper punishments, or inhuman punishments, if you please. They also heard the excuses for them, and upon that ground they made up their minds and signed that report; not that they wish to deny that any punishment has been wrong or inhuman, but they simply desire to show the gentlemen present and the members of the House the grounds upon which they signed that report. I most heartily submit to the motion of Mr. Prescott to bring in the charges of the officers as they did before, and that will show upon just what ground we made up our report.

Mr. HYDE. If I may be allowed to say it, I have understood that this board of trustees is made up of several of our citizens who were highly respected; none of whom received any compensation, and none of whom have discharged their duty except in behalf of the public and the public interest. Now, I have understood there have been certain charges filed against their management. If any man has any charges to make, let him bring them forward. If no man brings them forward, of course it is a confession that he has no charges. Now, it has been insinuated through this Commonwealth that there were serious charges against this management which could not be met. I understand this hearing is for the purpose that these charges may be fully met; and if they cannot be met, that the exact state of facts may appear. Now, I understand Mr. Allen to suggest that certain testimony be presented as testimony in

this case. To that I object. I suppose that any of the boys who are at this institution can be brought here on the call of the Committee. I suppose they have this right to have any of the boys appear here to make any statement they desire, or that the Committee desire them to make. If there are any charges to be made, I think that is the proper way to commence this case. Then we shall have something definite to act upon. If there is nobody to bring some charge against the management of this institution, then it would seem that there was no person who is responsible for bringing any exact charge against it.

Mr. WASHBURN. I approach the consideration of this subject—and I have no doubt all the other members of the Committee do, with perhaps an occasional exception—in a purely judicial frame of mind; and the fact that there has been a report by this Committee upon the subject, which was not embraced within the scope of the present order, does not affect my mind the slightest in considering the order which is before us. It is quite natural that my brother Hyde should have assumed precisely what he did assume. It is quite natural that it should be taken for granted that as it was said that certain charges had been preferred against this institution, and these proceedings would resemble the proceedings in a course of law; that on one side the complainant, or if you please to call it so, the government, would put in its case and would state the charges which had been preferred, and would substantiate them by evidence; that the witnesses in support of them would be subjected to cross-examination, and in due time the defendants would put in their defence, and the arguments would ensue, and the Committee would find a judicial finding. It was quite natural brother Hyde should have assumed that. On the other hand, it seems to me it is quite out of character, whatever the facts may be, for us to assume that any one of this Committee is to act as prosecuting attorney. We are all judges, subject to appeal, but, nevertheless, judges.

Now, my brother Allen thinks that the proceeding has taken a wider scope than a proceeding in a court of law; that we are not simply to try a cause on its pleadings, but we are to institute an inquiry; we are to get information from such sources as we can, not denying, of course, the ordinary rules of evidence, but still not standing particularly upon the order in which the investigation is conducted. I confess, Mr. Chairman, that I do not regard that as a very unreasonable view. It seems that owing to the fact of the assumption on the part of brother Hyde, that the case would take a little broader course, some of the trustees are not here; but the superintendent and one of the trustees are here, and after all, all we are seeking is to get at the truth. I do not want to raise a technical point, and I do not want to stop anybody saying anything that he knows about, at any time or at any stage. With reference to the charges, charges have been made before the Committee; but when the Committee have asked to have the charges in their hands, they were not allowed to have them. The charges were returned to the source from which they came, and the Committee have no charges here before them. If the complainants—those who bring the charges, whoever they may be—are not prepared to go on, I should think it would be perfectly right,

sitting as a Committee, and exercising the functions of a Committee, to allow the other course to be adopted, and let the superintendent state fully and comprehensively his views, and let the representative of the complainants ask him any questions in regard to the condition of discipline at the State Reform School. Let us go on in that way if there are any persons here ready, and especially if this mode of inquiry will bring new facts before the Committee. Let us go ahead on that basis, and thus, in one way and another, get at the full truth; that is all we want. We want to give everybody a fair chance, and to get at the full truth. If anybody is afraid of the truth, the Committee do not sympathize with that idea, and cannot sympathize with it. That is my impression.

The CHAIRMAN. Mr. Washburn has stated undoubtedly the views of the Committee. We desire to get at the facts of the case, and whatever has been before the Committee in the past we consider as in the past, and take up the question entirely new at the present time; and if there is no one here who has any charges to make against the institution itself, the Committee will call upon such officers of the institution as are here present, to give evidence in regard to the discipline of the institution.

Mr. ALLEN. Reserving the right that charges may be made if necessary.

Mr. WASHBURN. Reserving every right. I do not understand that we undertake to say that everything brought in here in testimony on either side will be admitted by the Committee. I will therefore call upon Colonel Shepard, superintendent of the institution at Westborough.

Mr. HYDE. Whatever is the pleasure of the Committee is of course our pleasure; only, if you do not establish some method of putting in testimony, you will never know when you are through. Now, if I understand it, the Committee would like to hear first from the trustees and officers of the institution. I will try to have the others here to-morrow, so that we can go on in any manner the Committee may indicate.

Mr. ALLEN. In order to save time, I respectfully ask this Committee to have brought here at their discretion such of the inmates as the sub-committee have examined at Westborough, and whose testimony they have taken.

The CHAIRMAN. Or others.

Mr. WASHBURN. Anybody, but not forgetting them.

Mr. ALLEN. I propose that Mr. Prescott furnish the names of those who were examined.

Mr. WASHBURN. I should not wonder if you had better leave that to the whole Committee. I do not think it is necessary to designate any particular member who will do this. We will have every boy here that either side wants.

Mr. PRESCOTT. I would suggest in regard to that, when it comes to the examination of boys in the institution, you can make very much better progress at the institution than you can down here.

The CHAIRMAN. The Committee are waiting, gentlemen.

Mr. HYDE. The order of procedure occasions us some little inconvenience. The records were not brought down this morning, but they will be here to-morrow. We did not suppose we should be called upon to say anything. We thought we should not be anything but observers.

The CHAIRMAN. You may call upon Col. Shepard, and we will commence.

Mr. WASHBURN. I meant to have said, it was evidently a surprise to brother Hyde to be asked to go ahead, and it would be the least courtesy we could show him to give him a few minutes for consultation, before beginning. I can easily see that he might very rationally have expected the other course of procedure. I should say now, in justice to him, if he wants a few minutes, it should be granted him by the Committee.

[The Committee took a recess of five minutes.]

Mr. HYDE. With the permission of the Committee, we shall call Dr. Edwin B. Harvey, one of the trustees. I will ask him such questions as occur to me, and then any gentleman of the Committee can ask any further questions that he desires.

DR. EDWIN B. HARVEY—*Sworn*.

Q. (By Mr. HYDE.) How long have you been one of the members of the board of trustees?

A. Four years.

Q. Is there any other resident trustee?

A. There is not.

Q. What relation do you hold to the institution other than that of trustee?

A. I am subordinate officer of the institution, being the physician of the same.

Q. How long have you been the physician?

A. I think, sir, about seven years; possibly, eight.

Q. Is there any other physician of the institution?

A. There is not.

Q. Now, of whom does your board consist,—the board of trustees?

A. The board of trustees consists of seven members: Mr. E. A. Hubbard of Springfield, Mr. Moses H. Sargent of Boston, Mr. Stephen G. Deblois of Boston, Mr. William H. Baldwin of Boston, Mr. John Cummings of Ashburnham, Senator J. B. Swett of Haverhill, and myself.

Q. How often did you have regular meetings as a board?

A. Our regular meetings occurred quarterly, in the months of January, April, July, and October; the October meeting being the annual meeting.

Q. They are held where?

A. They are held at the institution at Westborough.

Q. Now, what has been the attendance of the trustees, as a rule, in your quarterly meetings?

A. The trustees are there very generally. Occasionally a member will be absent. We never do any business unless a majority of the board is present.

Q. Is there any rule as to visiting the institution in turn by the members?

A. At our quarterly meetings we lay out the work for the ensuing quarter. Each member of the board is assigned his visits to the institu-

tion, so that one member of the board visits the institution every fortnight or two weeks, or two visits every month: one in the first two weeks and the other the last two weeks in the month.

Q. Now, in visiting the institution, what is understood to constitute the duty of the member of the trustees when he visits?

A. Every trustee has keys of the institution, which he carries with him from one end of the year to the other. He is not given any keys when he enters the institution, but he is supposed to have them when he enters there as a member.

Q. You mean to the whole institution?

A. I mean keys that admit him to every part of the institution without exception. I have carried mine for seven years, not only since I have been physician, but when I was a subordinate officer I was permitted to have keys to every part of the institution.

Q. Therefore, without asking any privilege of the superintendent, you could see every inmate, if you desired to, in every room?

A. The trustees go into every room in every department of the institution, that being their duty; and in their stated visits, I think they always do that. They have access to every boy in the institution, and every boy in the institution has access to the trustees.

Q. How many inmates are there now?

A. Between 350 and 375. I am not informed as to the exact number.

Q. When this school first started, what was its character then?

A. Its earlier history, sir, I was not familiar with, not being a citizen of Massachusetts in the early days of the institution.

Q. Since you have been connected with it, or known of it, has its character changed in any manner?

A. The character of the institution has been constantly changing since my knowledge of the institution, which begun back, as I have said, seven or eight years.

Q. In what respect?

A. It has been constantly changing in the character of the inmates sent to the institution. In my early knowledge of the institution the boys were a great deal younger and much more corrigible than at present, or than they have been during later years. Especially was this true during the existence of the school ship, for the worst class of boys were sent to that institution, and the milder were sent to the Reform Institution. There was, at that time, a system of trade between them. The milder boys were sent to the Reform School, and if there proved to be an incorrigible boy, he was sent to the school ship; and if the boys at the school ship proved to be corrigible, they were sent to Westborough.

Q. Since the school ship has been abolished, do you have that class of boys that were sent to the school ship?

A. We have that class of boys to take care of, and we took the boys from the schoolship.

Q. Since that, have you been obliged to increase your accommodations?

A. Do you mean enlarge the institution? No, sir, I think it has—

The institution has accommodations for 355 young men. Our number often exceeds that, however; but I think it has been about the same.

Q. Now, you have enlarged your accommodations there very much within the past year or two?

A. We have been enlarging the institution during the last two years. The enlargement is now completed, or nearly so.

Q. What has been the purpose and character of that enlargement?

A. That enlargement was granted (or an appropriation for it) in this way: After the abolition of the school ship, the character of the institution was so changed that the trustees were obliged—in their annual report, and in every manner possible—to protest against sending that class of boys to the institution, it being, as they said, from the Lyman idea. The institution was established as a reformatory institution. The character of it was changed by sending this class of boys there. The trustees urged upon the Legislature the necessity of the removal of the incorrigibles of the school-ship class. They urged it over and over again in the strongest terms possible for them to make. The Legislature did not see fit to heed them. They saw fit to pass legislation, such as it was, increasing the age of the boys; not only not relieving us of the class we wanted to be relieved of, from year to year, until now we are obliged to receive boys at 17. Formerly we were receiving boys only at a much younger age. Despairing of being relieved of that class of boys, the trustees said, "If you will not relieve us of this class of boys, give us the means to take care of them in our institution; give us the means of classifying the inmates of this institution; give us the means of separating this incorrigible class—this school-ship class—of boys, defiling the other classes of boys, rendering void the efforts of the institution and the State for reformation; if you will not relieve us of this class, and remand the institution to its original functions as a reformatory institution, carrying it back to the Lyman idea, give us the means of enlarging our institution, so that we may have a place in which to put this class, where they will be entirely separate from the other class of boys in the other part of the reformatory institution." We have asked that, and we went before the Legislature; and after two years' hearing upon that point, the committee reported in favor of making an appropriation of \$90,000, which the Legislature granted, and we commenced upon the work of an enlargement which is now nearly complete, and it will be open to the public in two or three weeks.

Q. Now, come to the new class. You propose, I understand, to put what you call the incorrigibles in that building?

A. We propose to put in that building the incorrigibles, and to make a separation. We think there are two distinct classes, and we propose to put one class on one side, and the other on the other side, the same as the school ship and the Reform School were.

Q. Now, when that is completed, are the two classes of boys to be brought together at all?

A. The two classes of boys are never to be in contact with each other. They cannot be from the nature of the enlargement. The only point where they will be in sight of each other would be in the chapel

during religious exercises, and then the incorrigible boys would be in the gallery, and the Reform School boys upon the floor; not within speaking distance.

Q. And have different access and egress to the chapel?

A. And have different access and egress to the chapel.

Q. Now, coming back to the institution itself, what is done with the boys? First take up their occupation; how is the day consumed at the school by the boys?

A. The day is consumed in labor, in school, and in recreation.

Q. Well, if you will give us a little, first, about the labor. What labor is performed there?

A. The boys' labor is seating chairs; that is the labor of the majority. We have boys in what we call the trust-houses, who labor a certain portion of the time farming. Those in the institution are employed in seating chairs, or in making wearing apparel for the boys. These trust-houses are buildings by themselves, and are separate from the other main building.

Q. How much land have you there?

A. Two hundred acres.

Q. Now, you have spoken of the trust-houses; explain what these are.

A. They are little institutions within themselves. They are families. In one there are thirty boys, in another thirty, and in another twenty-five. Each has its master, matron and school-teacher. They are under the supervision of the superintendent of the institution, of course, but they are conducted on the family system. It is known as the family system, and the boys are cared for as in ordinary families.

Q. Well, do they all eat together?

A. They all eat at the same table, as in any well-regulated family.

Q. They are used as a measure of promotion to the boys in the school?

A. They are, sir; only the trustworthy boys are placed in these houses. As they pass up through the different grades of the institution they are, so to speak, promoted to these institutions—or trusted out there.

Q. Do they do the work on the farm?

A. They do a portion of it. The master of each house has a certain part of the farm set apart for himself and his boys to cultivate. During the farming season they attend to it and perform the work.

Q. You say that the labor of the boys indoors is seating chairs and making their clothing. I suppose that includes wearing apparel?

A. It includes everything that is worn there.

Q. Does anybody teach them or instruct them?

A. Each trust-house has its own teacher, and in the main institution they have five schools with five teachers, so that when not at labor in the chair-shop they are in the school-room, or when not at other places they are attending to their recreation in the yard.

Q. Are all the boys, while there, at school more or less?

A. Yes, sir.

Q. All required to go to school in the school-rooms?

A. Yes, sir.

Q. To what extent during the year are they at school?

A. They are at school four hours per day.

Q. And that continues through the year?

A. And that continues through the year; yes, sir.

Q. Now, the boys that are sent there are sentenced there for their minority?

A. Yes, sir.

Q. Are the boys placed at school within the institution placed out with the farmers, or put under the direction of Mr. Tufts, or adopted by suitable persons, and the institution relieved of them?

A. Yes, sir; as rapidly as we can relieve them. We make every effort to relieve the institution by putting out our milder boys by receiving these incorrigibles that the State pours in upon us.

Q. Can you send out boys as you did formerly?

A. We cannot, sir. The boys are such that the farmers do not want them. We cannot send them out as formerly.

Q. What facilities are given them for recreation there?

A. The building is so arranged that it makes a court; and in the court the boys are permitted promiscuously during the summer season. There is what we call the new yard, a large space of ground enclosed by a high fence, in which they are allowed to play at certain times during the week.

Q. Now, who is the superintendent of this institution?

A. Colonel A. G. Shepard.

Q. How long has he been there?

A. Four years.

Q. What other classes of employes are there?

A. The teachers and overseers of the shops and watchmen.

Q. The overseers are men who take charge of them?

A. The overseer of the shop takes charge of them when at work, and the teachers in the school-rooms.

Q. What are the watchmen?

A. They have charge of the boys during the night. Our system is such that no boy is out from under the eye of an officer unless he be a trust-boy. He is always in the presence of an officer. Consequently we have to have a double set of officers, of overseers and teachers.

Q. Now, as to the condition of the boys—as to their eating. How do they eat—together?

A. They all eat together in the dining-room; that is, the boys of the main institution. I say all; there may be a few exceptions to that. The trust-boys have other places of eating.

Q. Now, how many meals are served out regularly a day?

A. Three.

Q. With regard to the quality of the food that is furnished them and the condition of the boys?

A. The quality of the food, sir, is sweet and good, as a general rule. It has been improved of late years. It is much better than it was in my early knowledge of the institution, and I think it is suitable for that class of boys. It is not luxurious, but wholesome and in abundance.

Q. What is the general health of the institution?

A. The general sanitary health of the institution is excellent. I think I may say you cannot find a class of boys in the State of Massachusetts, or in any other State, who are healthier than they are at that institution, if you make this exception: when boys arrive there they are in a depressed state, and we find them diseased, and with blood impoverished from poor diet and from bad usage; but after we have had them a little while they recover themselves, as our boys generally do.

Q. Have you had any epidemics there of late years?

A. We have had no epidemics there during the last five years, certainly.

Q. Now, in regard to the character of the boys, and as to their behavior, and as to any punishments that are provided by the trustees, or by their rules in regard to correcting them when they are guilty of misbehavior.

A. We found it impossible to manage the institution and maintain the institution without some system of punishment. What these punishments are the trustees know. They direct in regard to them. There is no punishment in the institution that is not provided for by regulations of the trustees themselves, and no weapon used in the institution that is not provided for by the trustees.

Q. Well, now, state the methods of punishment authorized by the trustees?

A. We allow corporal punishment. We allow placing boys in the lodge. We allow placing them in the strait-jacket, whether made of cloth or wood. We allow of their being deprived of their ordinary rations. We allow of their being deprived of their exercise for a certain time, and various other ordinary punishments.

Q. Now, take them in order; take corporal punishment. What is the regulation as to corporal punishment there?

A. The article used for corporal punishment—the weapon—is a strap.

Q. Made of what?

A. Made of leather.

Q. To what part of the body applied?

Mr. ALLEN. Let him describe it.

WITNESS. It is made from leather, in the shoe-shop. Each officer is furnished with one, and he is allowed to punish with it; and the officers understand that it is the only article with which they can punish. They are not allowed to punish with a rattan, nor with a knotted rope; nor with anything but the prescribed strap.

Q. (By Mr. HYDE.) Well, is there anything said as to the place of that application?

A. No, sir; that has not been definitely decided upon by the trustees. I think that the trustees, as individuals,—at least I know some of them,—favor the idea that the boys should be punished upon the thighs and back rather than upon the buttock.

Q. You speak of the lodge; what do you mean by that?

A. The lodge is composed of cells in the basement of the building, directly under the chapel. They are in sections, five in each section. If

my memory serves me right, there are four cells in each section. There may be fifteen or sixteen cells into which boys can be locked.

Q. Now, what is there in the cell for their accommodation after they are locked in?

A. There is a bunk, as I stated before, during the night-time ; and during the daytime they have their clothing. Sometimes when the boys are uneasy, the regular day clothing is kept from them and they are allowed to retain their night blanket; but no boy is ever deprived of a suitable amount of clothing to keep himself in a proper temperature.

Q. Is the lodge heated?

A. The lodge is heated.

Q. With what?

A. With steam—our general steam heating.

Q. Is there provision made in the cells for the wants of nature?

A. There is.

Q. Now, you have spoken of these two. Then you have spoken of the strait-jacket. Will you explain this?

A. The strait-jacket made of cloth, into which a boy is put, is a jacket with a place for his arms, so that he can stand or lie down at pleasure. The wooden strait-jacket— I wish I had the report that was made to the board of trustees at the time of the introduction of that sweat-box, as you may call it.

Q. (By Mr. WASHBURN.) Can you have it to-morrow?

A. Bring the box?

Q. Bring the report?

A. At our quarterly meeting the superintendent makes a written report of all the doings that have taken place in the institution in our absence or since our last meeting. That report is read to us by the superintendent, as I stated. Any changes that he has made, or any suggestions he has to make, are placed in that report. [Mr. Shepard, the superintendent, hands witness a copy of the report.] Without troubling you to read much of this report, I will read what is said in regard to this wooden strait-jacket.

Q. (By the CHAIRMAN.) What is that particular report?

A. It is the quarterly report of the superintendent made in April, 1875. The superintendent in speaking of a certain class of boys that he had to deal with in the institution, calling them by name, says:—

“As a punishment for such a class of boys, I have caused a wooden box to be erected in the attic, as a substitute for the strait-jacket, which I believe would prove more effective and healthy than detention in the lodge.”

WITNESS [repeating]. “As a punishment for such a class of boys, I have caused a wooden box to be erected in the attic, as a substitute for the strait-jacket, which I believe would prove more effective and healthy than detention in the lodge.”

This report was read to the board of trustees on the evening of April 7, 1875. At that time every member of the board was present with one exception, and that gentleman at that time was in Europe and could not

meet with us. Six members were present at that time, to whom this report was read. The board of trustees wishing to know what this strait-jacket is, notwithstanding the description of the superintendent, visited that wooden strait-jacket, as some term it, and saw its workings, one member of the board standing in the strait-jacket when the boards were closed about him.

Q. Well, now, you may describe it, as it is one of the things that have been talked about.

A. Well, gentlemen, it does not need much description. It is simply a small closet with a door opening into it as into any closet; and in order that it may do for boys of a medium size, as well as for larger boys, the boards behind and at the sides are made to open a little and close a little. Its smallest capacity was given to the Committee previously. I have not the figures with me now.

Q. (By Mr. ALLEN.) Well, your judgment of it?

A. I think it is eighteen inches, sir, in width. I cannot speak positively.

Q. (By Mr. PRESCOTT.) Sixteen inches and a half. That was your testimony before the Committee. It can be made twenty-one inches.

A. Twenty-one inches by sixteen inches and a half. The boy is placed in there, and the door is closed upon him. In front of the boy's face there is ample space for breathing. The top of the box is open. Within a few feet from the box is an open window in the roof of the building for ventilation. Just at the side of the attic is a large grate opening into the main office of the institution. There is also another opening into the main wall by the side of the office of the institution.

Q. Now, besides the top of the box, what other opportunity is there in the box for breathing?

A. It is open in front of the boy's face; there are upright slits cut in the box.

Q. Now, as you have been in the habit of visiting that institution from time to time, can you tell us in regard to the punishments in this box?

A. If we had our records here, as we should have had if we had known this hearing would take this turn, I could show you the record of the rules previous to the erection of that box. I cannot give it now. The trustees passed a vote in reference to the use of the strait-jacket, defining explicitly how the strait-jacket should be used, when and how long. The trustees visited this box and regarded it as a substitute for the strait-jacket. No additional vote was passed with regard to punishment in this wooden strait-jacket, as we have always termed it; it being covered by our vote on record, previously passed. The trustees themselves saw no reason for passing any additional law in regard to the use of the wooden strait-jacket, not supposing it would ever be abused, or was ever abused.

Q. Now, how often do you visit the institution, personally?

A. Well, sir, the by-laws of the institution require that as subordinate officer, I should visit it every week, and as much oftener as the superintendent requires; I cannot tell you how often I have visited it during the

past year; I think I am safe in saying I have visited the institution two hundred times within, perhaps, twelve months.

Q. Now, have you known anything of any want of proper conduct on the part of the boys, or of any outbreaks in which punishment has had to be resorted to?

A. Certainly, sir. I have known of a great deal of improper conduct on the part of the boys for which punishment seemed necessary, to detail which would be impossible.

Q. State some of them; give an idea of a class, rather than going into all the details of each one?

A. Well, perhaps as a good idea of a class I might detail a single one. Two boys by the names of Fitz-Gibbons and Jones plotted for a week to get out of the institution. They tried during that time to obtain from the hospital ether or chloroform by which they might assault one of the officers and stupefy her, and take her keys away and escape. Failing in that they set about to make a more open and more direct attempt to effect the same thing. These two boys, in the early evening, when the officer of the dining-hall, Mrs. Moore, was cleaning up, with these boys helping her, they being her boys, they assaulted her in a violent manner; threw her upon the floor, put a towel into her mouth as a gag, knocked out her teeth, injured her face so that she bled profusely, jumped on her, tore her dress in various parts of it, and altogether making a very dangerous assault. The superintendent, I think, was in his office; at any rate he was called out by a clerk who was in the office and heard the disturbance in the dining-hall below. They hastened, of course, to the spot and ascertained the cause. The old lady in her sad plight put up her hands to the superintendent imploring him and crying "Murder," and pointing to Fitz-Gibbons, she said, "It was he, it was he." Jones, his accomplice, said it was Fitz-Gibbons. The colonel saw the condition of things and took the boy Fitz-Gibbons into his office. I think he administered to him a pretty sharp punishment; I think he did.

Q. When was this?

A. I cannot give you the exact dates; perhaps a year or more ago. That is an individual case.

Q. (By Mr. PRESCOTT.) Are you relating what you saw, or what you heard about?

A. I am relating, sir, what I heard, and not what I saw.

Mr. ALLEN. Tell us what the boy said, too, Doctor, before you get through.

Dr. HARVEY. Perhaps this would be ruled out, as I am not stating what I saw; I do not know as this is a matter of testimony, and will be admitted.

Mr. ALLEN. You have stated what all the others said.

Dr. HARVEY. I think I have stated nothing, until this present time, which did not come under my observation.

Mr. WASHBURN. Go on, and tell them all; this does not go in as direct testimony.

Mr. HYDE. Go on, Doctor, unless some one objects to it.

Dr. HARVEY. I fully believe, Mr. Chairman, what I am stating. The

boy Fitz-Gibbons was taken to the office, and was administered a very sharp punishment with the strap, upon the thighs. Soon after that punishment was administered, on the same evening, it came to the knowledge of the authorities of the institution that the boy Jones was implicated in this, and that the assault was a great deal more violent and aggravated than was at first supposed; so violent and so aggravated, that the superintendent thought proper to refer the matter to the board of trustees, which he did on the following day. The board of trustees directed, that notwithstanding he had already punished one boy that was connected in it, notwithstanding that it being our rule that boys being punished in the institution are not liable to punishment elsewhere, notwithstanding this fact that the boy Fitz-Gibbons had been punished, it was decided that these two boys should be taken before the court, and their case adjudicated there, which was done.

Q. What became of the boys?

A. One boy was sent to the house of correction for six months and the other for eighteen months. I will say here that, on the trial of the boys in the court, Fitz-Gibbons plead guilty and Jones not guilty. Both were convicted; and the superintendent of the institution was placed upon the stand and asked by the judge to give the character of these boys.

Q. (By Mr. DAVIS.) I would like to ask whether you know this to be a fact or not?

A. I have stated that I was not personally cognizant of these facts.

Mr. DAVIS. I suppose, if the superintendent is coming in here to give his evidence, it would come in more properly than it does now. I don't object, if it is understood fairly by the Committee; but when a man is telling what somebody told him, as a matter of evidence, it seems to me it does not come in well. If the witness is here who actually saw it and knew about it, and had this conversation, it would be better to hear his testimony; that is my position on it.

Mr. HYDE. The only point was to show that it came to the knowledge of the trustees, and that they took action upon it upon the report being made to them.

Mr. WASHBURN. I understand he was going on in answer to Mr. Allen's request. If anybody objects, let it go.

Mr. ALLEN. I don't see any objection to hearing the boys' version.

Dr. HARVEY. I will continue my story. The boy Fitz-Gibbons, I said, admitted the assault and plead guilty; but, because punishment had been administered to him in the institution at the request and suggestion of the superintendent, the judge gave him six months in the house of correction, and the other boy eighteen months.

Q. Did you ask the boys, yourself, Doctor, anything about it?

A. Did I ask them? Yes, I did; but it was so long ago, I don't remember the conversation. I frequently visited the lodge, and talked with all these boys. I cannot give you my words or theirs; it was one of a number of such cases—of aggravated cases—which I have talked with the boys about.

Q. Now, there was an outbreak there last winter. Were you present there at that time?

A. On the night of January 12?

Q. Yes. Were you there personally?

A. I was there personally.

Q. Now, you may tell us about that.

A. Well, sir, let me hurry, then, as it is a long story, which I will try to make short. At my tea-hour, I received at my office a summons from the superintendent, that there had been a disturbance in the institution, and he wished my presence. I finished my supper, ordered my horse, and immediately repaired to the institution. When I arrived there, I found the boys in the two upper school departments, in the second story. They were striving to break out of the institution. I found the officers of the institution had been summoned, and they had succeeded up to that time in maintaining their ground, and keeping the inmates within the walls of the institution. I met the superintendent immediately, and asked him if any boys had escaped. He replied, "No, not one, to my knowledge." I asked him if he could hold them. He said, "Yes, I can hold them; but I have not sufficient force to take care of them." I asked him if he could hold them. He replied, "I have not sufficient force to take care of them after I have subdued them, because some of my officers must necessarily be in charge of the boys in the institution, and as soon as I send for them, there is danger of this riot being communicated to the other boys. I ought to have more force to take care of them when I have subdued them." I said, "Can you hold them?" He replied, "Certainly I can hold them." I said, "Be careful not to injure them." I think my words were, "Don't hurt any of them if you can help it," and it has been a byword ever since, "Don't hurt any of them if you can help it." He said, "They are really in a riot here, and I shall keep these boys within the walls of this institution if I can; I shall not suffer any one of them to pass out of the institution. I know my duty in such a case, and shall do it." Those were just his words, "I know my duty in a riot, and shall do it." I said, "Very well; hold them, and I will get you help." I turned my horse to the village, two miles and a half away, and in one hour I returned with twelve men, who, meeting the colonel, were organized to take these boys and take care of them. During this time, mind you, the boys were wild in these rooms, breaking everything they had not previously broken, using some pipes and desks and tables as battering-rams. They had broken the feeble gratings of the windows right and left, and made a breach, and but for the force of the officers on the outside of the walls, who had kept them there with the use of water pipes,—as soon as a boy approached the windows to make his egress, he was met by a current of water, and as soon as he appeared on the roof he was met by it there, there having been two sides to the break, so they held them there by that means. As soon as the additional help arrived, we organized and took the hose up into the upper rooms, and approached the door, and found it barricaded; but we effected an entrance and entered the door, and passing within we found them intrenched in a smaller room in the farther end of the building, known as the "ward room." They barricaded the door. We turned the cold water upon them. All the time the boys were retiring they used the most threatening language,

—language I should not dare repeat in the presence of men,—calling the trustees, the superintendent, and everybody else, and using violent language. When we turned in the cold water upon them, they soon found they were captured, and they asked for mercy. I put my head through the door that was battered down, so near the hose, that I got a full blast of it myself, and saw the condition of things there; and when they asked for mercy the hose was withdrawn, and we took them out, one by one, and passed them up to the lodge or the dormitories, and gave them dry clothing and put them to bed. That ended the riot of that night.

Q. Have any of them suffered in health?

A. None of them suffered, that I am aware of, in the least.

Q. Now, after you got your help there, did you call upon the boys before you took the hose? Did you personally call upon the boys before you took the hose and went upstairs?

A. I stood and faced the window near where the riot was proceeding; and as they came before the skylight upon the roof, I held a parley with them, and I told them; said I, "Boys, you are in a riot here, but it is a useless riot, so far as you are concerned; you cannot escape from the institution. I have been down and got a sufficient force to manage you; now, are you willing to come to terms and be taken care of?" I was answered in violent terms. For ten minutes I stood there talking with the boys in one end of the school-room, trying to get them to come to terms; but not being able to accomplish the result in that way, we were obliged to resort to other means.

Q. Was any one injured at the time?

A. Not after I arrived there. In the early part of it, one of the officers was injured by being cut upon the head; several of the boys received mere flesh wounds, nothing serious.

Q. That was among themselves?

A. That was among themselves.

Q. Now, in regard to the superintendent, what is the judgment of the trustees regarding him and his manner of treating the boys? Does he manage them well?

A. Well, sir, that is a very delicate question for me to answer at this moment. I may say, however, that so far as I am aware, there is no difference of opinion in the board of trustees on this subject; there is no difference whatever. Some of us have been trustees of the institution for eight or nine years, and we thought up to the time that this investigation commenced that we had a model management in that institution, and we were being visited almost monthly by agents from other States who came to see how we succeeded so well in the management of the class of boys we have there. They came, so to speak, to copy our methods, and if they could, in any way, reap our success. They not only did that, sir, but they tried to steal our superintendent by offering him one-third more salary than we have given him to go to their States and manage their institutions. We believed, sir, that we were having a successful management in that institution. Some of us had seen the institution for years, and we believed it had been gaining during the past four years through the efforts of the superintendent; and until this

investigation commenced we had not dreamed that there was any voice in the State that thought differently.

Q. Has anything occurred in the investigation, so far as the board are concerned, which has changed the opinion of the board in regard to Col. Shepard and his management there ?

A. Yes, sir, I think there has ; I think since the investigation we have tried him in a new field, and we think more of him to-day than we did when the investigation commenced ; there has been that change.

Q. But he has not lost the confidence of the board ?

A. No, sir ; he has the confidence of every man upon the board ; the full confidence of every man upon the board ; they stand around him as a unit. They believe there is nothing in the institution which they wish to cover, and nothing in the institution that they would have covered up ; they only want to have the truth unveiled to the Commonwealth.

Q. Now, in regard to his tact at interesting the boys ; in regard to the estimation that the boys hold him in, in his intercourse with them ?

A. His tact, sir, is his capital in trade. Because of his tact, he has been sought by other States ; because of his tact he has been able to manage the institution as he has ; and I believe there was never a class of boys in any other similar institution which ever had such an exalted opinion of their superintendent as the boys of that institution have of Colonel Shepard to-day. I know that, not only from my own presence in the institution, but from the very boys themselves.

A. What has he done, if anything, beside the regular duties of the institution, and working them, to interest them or to amuse them ?

A. Well, sir, from the first he has introduced there a system of promotion. He has introduced lectures, entertainments,—numerous entertainments,—in larger proportion than has ever been known in the history of the institution before his administration. He has taken boys abroad, for instance, to visit the cattle shows, not only in the town of Westborough, but in the adjoining towns ; he has taken over 200 boys that you, gentlemen, would not dare to trust out of your sight,—he has taken them, 200 at a time, and marched them to the village, two and a half miles, and such is their confidence in him, such is his control, that he has had them break ranks in the village and never has lost a boy. He has paid money out of his own pocket, to my certain knowledge, and against my advice, to give these boys entertainments in the chapel, to get lecturers from the city of Boston there to address them, and has sought to give them entertainment and social instruction. I say against my advice. I have said, sometimes : “Colonel, you should not use your own money for these boys ; you ought not to do it, and the board of trustees does not expect it or require it.”

Q. What salary do you pay the superintendent ?

A. We pay him \$1,800 up to the present time, and board his family.

Mr. HYDE. I believe I have no other questions to ask.

Cross-Examination.

Q. (By Mr. ALLEN.) I will trouble you with a few questions. You were speaking of the employment of boys. During what hours of the day are they employed ?

A. They are employed, sir, at different hours at different seasons of the year.

Q. What hours are they employed at the present time?

A. At the present time they are employed in the forenoon, and are at school in the afternoon, to state it in general terms.

Q. Are all these boys engaged in making clothes or in making chairs?

A. They are engaged in that or in doing hall-work, if not attending to some special duty.

Q. About what is the average age of the boys sent there?

A. Well, sir, it is in our report.

Q. About the average?

A. Somewhere in the vicinity of 17½.

Q. They are sentenced until they are 21?

A. During their minority.

Q. And you understand allowing those boys to spend all their time in seating chairs furnishes them with the means of livelihood after they leave the institution?

A. No, sir; I do not understand it, and that is the reason why the trustees have sought to have means to introduce other employments into the institution.

Q. Well, have you taught any of these boys any trade or means of livelihood so that they can support themselves when discharged at the age of 21 years?

A. No further than that we have taught them to work on the farm, in the bakery, in the shoe-shop, and in the clothing room of the institution, and to do general work; we have no other means, but the great majority of those inmates of the institution simply bottom chairs.

Q. Are the boys allowed to speak to each other while at work?

A. No, sir; they are not, as long as they follow the rules of the institution.

Q. Well, is not the discipline, while the boys are at work, precisely that of all prisons in the Commonwealth; in any state prison, for instance?

A. Well, sir, I am not familiar with the discipline of a state prison; I am not familiar with the state prison; but I think not. The boys, if they are not allowed to talk, are in close contact with each other, and look up; and if an officer goes in, as I do almost daily, or very frequently, they are allowed to approach him and have any conversation and make any request they choose.

Q. What is the punishment if one boy should whisper to another?

A. Well, sir, that would depend upon the circumstances. If he had been dealt with for that purpose previously, and had been guilty over again and still persisted in it, it would be very different than if it were his first offence. If it were his first offence, he would simply be told not to do it again.

Q. Haven't the boys been flogged for that?

A. Not for any such new offence.

Q. Not for whispering to each other?

- A. I presume for aggravated cases they may.
- Q. Don't you know so?
- A. I don't know so.
- Q. Then you don't believe they have been flogged for that?
- A. For simply whispering—no, sir. I have been told so through charges made by people before this Committee.
- Q. Have you inquired of the officers whether it was so?
- A. Yes, sir.
- Q. With what result?
- A. I have never heard of such an instance.
- Q. You speak of your quarterly meetings. How much time do you spend at these meetings?
- A. Well, sir, there is no fixed time.
- Q. About?
- A. We stay there until we can attend to the business that is brought before us.
- Q. About how much time?
- A. Well, one day, and sometimes a day and a night and a portion of the next day. Very generally some of the trustees remain over night and spend what time they can in visiting the various parts of the institution, and attending to the duties placed upon them.
- Q. You are always furnished with a good dinner?
- A. I cannot say we always are.
- Q. How long are the boys confined in this lodge at one time?
- A. There is no fixed time.
- Q. I mean the longest?
- A. I think boys have been in the lodge eight weeks, but not by the direction of the superintendent or officers of the institution. The boys confined eight weeks were there by order of the board of state charities; they were boys to be taken to Bridgewater, and the officers were requested to retain them until they were ready to receive them at Bridgewater.
- Q. How long have any of these young men been confined there at one time?
- A. Do you mean the young men that were sent to Bridgewater?
- Q. No; of those young men who have been sent into those cells?
- A. I could not tell you the exact time; they vary from one day to several weeks.
- Q. Haven't they been sent there for months?
- A. They have been sent there for a single day; they have been sent there until they could promise to obey the rules and regulations of the institution, and then returned to duty. Whenever a boy says, "Enough, I want to go on duty," he is permitted to go; he is permitted to return to his duty when he gives satisfactory evidence of his repentance.
- Q. Do you mean to say that whenever a boy who has been put into these cells says he is willing to go to work, and is sorry, that he is taken out?
- A. When he gives evidence that he has repented, he is taken out.
- Q. What do you mean?

A. I mean, when he talks to you in such a manner that you can believe him, he is taken out.

Q. Then it does not depend at all upon what the boy says, but upon your opinion of what he means?

A. It is the manner in which he says it, and his conduct while in the cell.

Q. What is the size of these cells?

A. I cannot give you the exact dimensions.

(By a member of the COMMITTEE) About four feet by eight or nine.

Q. How high?

A. Seven or eight feet high.

Q. Open in front?

A. They open into a room fifteen feet square of the same height.

Q. Is there any furniture in the cell?

A. There is a bunk in it on which they sleep or sit, if they choose.

Q. How about bed-clothes?

A. They have all the bed clothes that are required. The clothes are removed during the daytime and the boys have their clothing; if not, we should find it in strips thrown out of the cells.

Q. Can they speak with each other?

A. They talk so loud that they disturb us in the chapel above, and can be heard in the various parts of the building. It is not solitary confinement, in any sense of the word.

Q. For what offences are they sent there?

A. For various offences. If a boy has been strapped for an offence last week, and the punishment did not seem to do him good, and he commits the same offence, he may be tried in the lodge this week; there is no definite rule.

Q. Well, right here, have you any record of the boys kept in the lodge?

A. Yes, we have a record of every boy put into the lodge, and the time he is there, and that record is in existence.

Q. And will be produced here?

A. And will be produced here, if you require it.

Mr. ALLEN. We will give you notice to produce it to-morrow, with the permission of the Committee

Q. (By Mr. ALLEN.) Have you, also, in that book, a record of the strappings and floggings?

A. We have blanks. We have established a system of blanks; each officer makes an entry of the boys punished in that manner.

Q. Have you these reports?

A. We have.

Q. Will you produce them,—say for three months,—so that we can see a sample of them?

A. Well, there are as many reports as we have overseers and teachers.

Mr. HYDE. Suppose you bring any month they call for?

Mr. ALLEN. Well, suppose we take last December, if that suits the Committee?

Mr. TRAIN. Anything.

The Lodge.

Q (By Mr. ALLEN.) Well, whether there is a record kept of every punishment inflicted?

A. Well, if you mean a written record like the one I mentioned for corporal punishment, there is not. The trustees have not passed any regular vote requiring a record to be kept of the use of the strait-jacket or of minor punishments, such as being deprived of his regular rations, or being put on bread and water, or being made to stand on a line, or being deprived of going into the little shed in which the boys play. A boy who is deprived of his play in this way is allowed to sit in the window-cases and look at the others.

Q. Do you call that sweat-box a minor punishment?

A. I do not call it so severe as detention in the lodge or the regular strait-jacket. The boys always prefer to take it instead of the strap. We do not degrade him by putting him in the box; we do by putting him in the lodge.

Q. How many times has that sweat-box been used within the last six months?

A. Do you mean how many days, or how many boys?

Q. How many boys have been put in, counting each time each boy was put into it?

A. Of course my evidence on that point would be an estimate. I understand your question is in regard to the number of boys I think have been treated in that box, and the number of times they have been put in. Do you mean each boy put in this morning and taken out for dinner, and then put back again?

Q. No, I mean each punishment?

A. Well, I should not be surprised if there had been forty or fifty boys there.

Q. There is no record?

A. No direct record. We can tell you the number of boys put in there by our records. I may say, sir, every boy is accounted for; if he is absent from the work-room, he is reported at the office as being absent, and where he is. If the overseer of a shop puts him in the box, he returns the case to the office that such a boy is absent from the room, and where he is detained. Officers are not allowed to put boys in the box without the management of the institution knowing where they are and how they are being treated; never, sir.

Q. Who has authority to put boys in that box?

A. The officers of the chair-shops, and the teachers.

Q. Without the knowledge of the superintendent?

A. He does not direct them to be put in there, but he has knowledge of the fact that they are so punished.

Q. But not until they are in there?

A. Not until they are taken there, and of course having authority to take them out.

Q. You speak of having open spaces in front of the boys to allow them to breathe. How wide are those open spaces or slits?

A. An inch or more wide, and six or eight inches long.

Q. Each one?

A. Yes, sir.

Q. How many of these openings are there?

A. Three of them.

Q. Do you mean to say, as a physician, that a boy shut up in a close box, 16½ inches by 18 inches, can breathe freely through these slits?

A. Yes, sir, I do; the top is all open.

Q. How high above him is the top?

A. That would depend upon the height of the box.

Q. How high is the box?

A. Six feet.

Q. Were you ever in it?

A. I was never in it; I do not think it is long enough for me. A member of this Committee, Dr. Lowe, has been in it, and was put in it at its smallest capacity.

Q. How long was he there?

A. Not long.

Q. (By Mr. DAVIS.) Did he desire to be admitted there?

A. I understand so. If that is germane to the question, Dr. Lowe, it seems to me, can answer.

Mr. WASHBURN. It is wholly germane.

Dr. HARVEY. I saw him put in the box.

Q. (By Mr. TOMPKINS.) Was there any member of the Committee a little stouter than he put in it?

A. I could not answer that question.

Mr. TOMPKINS. I got in there quite comfortably.

Dr. LOWE. I could not say whether the door was closed behind me or not; my impression is that it was.

Dr. HARVEY. I can testify that the door was closed and the box was at its smallest capacity. I remember we closed the door upon him. Furthermore, Dr. Lowe said he could move his hands well there.

Q. (By Mr. ALLEN.) Dr. Lowe is the slenderest man on this Committee, is he not?

A. He is supposed to be as large as the boys sent to that institution.

Q. Well, is not that the fact?

Dr. LOWE. I will state I went in before dinner.

Mr. WASHBURN. It don't seem to me we should take up a great deal of time about that.

Mr. TOMPKINS. I didn't feel very much oppressed in there.

Mr. ALLEN. We are taking notes here that he is the smallest on the Committee.

Dr. HARVEY. I should think Mr. Train was a smaller man, and perhaps the Chairman of the Committee. I have not examined these men.

Q. (By Mr. ALLEN.) Do you know that, aside from the time when you were engaged in quelling the riot, a stream of cold water was ever used as a punishment?

A. Yes, sir. I do not know personally; I am not cognizant of the facts; but to the best of my knowledge and belief it had been used.

Q. Upon whom?

A. I cannot state all the boys.

Q. The number?

A. I think it was used at one time upon seven boys.

Q. As a punishment?

A. As a punishment. I shall explain why I say as a punishment. There were seven boys put in the lodge, and if my memory serves me right, they were boys who were on their way to Bridgewater; at least some of them were. I was at the institution on Saturday night, and these boys were very riotous and noisy, and were disturbing not only the other boys, but the institution. In company with Mr. Shepard, we remonstrated with the boys as well as we could; I think it had, perhaps, very little effect. The next morning, I understand, they were still more noisy and riotous, and the superintendent of the institution began to remonstrate with the boys for their conduct. During the afternoon, —during the religious exercises of the institution,—the boys commenced again by concerted action; they commenced again their riotous demonstration, crying out fire and murder, and seeking to disturb the religious services which were held in the chapel above, which is connected, you may say, by registers in the floor. The boys had been remonstrated with, but without effect. Now, what should be done? The last means had been resorted to, and still the boys were seeking to disturb the religious exercises of the afternoon. I think the superintendent sat and heard that noise for some little time, until the exercises were closed, and without further remonstrance with the boys he picked up a hose fixed to a hydrant, being four hundred feet from the steam-pump, and a line of hose a hundred or two feet more, and put the nozzle in there and pointed it into the cell, and played upon these boys until they said “enough,” —until they asked for mercy.

*the
hose.*

Q. The boys were not stripped and played upon?

A. They were not stripped; they were played upon in the condition in which they were found.

Q. What condition was that?

A. Two of the boys had their blankets and shirts on, and two had their pants on. The other boys were dressed for the day. The boys not having their pants on were not asked to put them on, nor were the boys that had them on asked to take them off.

Q. (By Mr. PRESCOTT.) Are you relating what you know or what you have seen?

A. I am answering the gentleman's question.

Q. I asked you whether you knew, or had heard, what you are testifying.

A. I stated to him, in the beginning, that I did not see it.

Mr. WASHBURN. You ought not to be misunderstood; it is not fair. I understood he was telling what he was informed.

Dr. HARVEY. On Sunday morning my personal cognizance ceased.

Mr. ALLEN. I understand the Doctor has told what was reported to him.

Mr. WASHBURN. Yes; but still, these digressions tend to discredit the statement, as being intentionally all outside the matter. I understand, perfectly well, it was not anything he knew.

Q. (By Mr. ALLEN.) I understand, then, there were four boys who disturbed divine service?

A. Seven boys.

Q. Who disturbed divine service on Sunday afternoon, and after the service had ceased, the superintendent, with a stream of cold water, played on them to punish them?

A. Yes, sir; he quelled the riot; we called it a riot.

Q. Two of the boys had nothing on except their shirts, and the others had their clothes on?

A. Two of the boys had their shirts on.

Q. (By Mr. HYDE.) Cotton or woollen?

A. Woollen; and I will furthermore state, that when the boys asked for quarter, it was granted them; the wet clothing was taken from them, and they were taken up into the dormitory and put into a dry bed, and given warm drink; and the trustees are informed that one of the boys, when asked in regard to this punishment, said afterwards that the warm drink was the worse punishment of the two, because he had treated the superintendent very unmannerly. I will here state that I was personally cognizant of the condition of the boys afterwards, and found them, in every respect, comfortable.

Q. Did you ever know one of the inmates, when confined in this sweat-box, to have his hands strapped behind him?

A. I never have.

Q. Did you ever hear of such a case?

A. I never have, sir; except as stated before this Committee. I have inquired very carefully about such things and I have been unable to ascertain it.

Q. You were speaking of flogging; give a description of the instrument. Will you now describe the instrument with which such punishment is administered?

A. I will. It is simply a strap 18 inches long and an inch and a quarter wide.

Q. How thick?

A. It is sole leather,—it is pliable sole leather.

Q. Where is this applied?

A. It is applied upon the hand, and upon the seat of the pants.

Q. Do you know of boys being stripped of their pants and flogged upon the naked back with that?

A. No, sir; I do not.

Q. Haven't you heard of such cases there?

A. What do I understand you; stripped from the feet up, or from the head down?

Q. From the head down.

A. No, sir; I haven't understood that was ever the case. May I state my belief?

Q. Certainly.

A. I do not believe the thing ever occurred in the institution; that is my belief on that point.

Q. Well, have you had any knowledge that a boy was flogged and showed marks of the blows for days afterwards?

A. No, sir; I have not been so informed. Understand me on this point; you asked me, with this strap.

Q. Well, have you been informed they have been so flogged as to show marks of the blows afterwards?

A. A single case of injudicious and unnecessarily severe punishment was inflicted upon two boys by one of the employés of the institution.

Q. In what manner?

A. Not with a strap, but with a piece of an old trace. It was two thicknesses of sole leather—thicker than sole leather.

Q. To what extent were these boys flogged?

A. They were punished upon the seat and back and thighs, leaving marks showing the impressions of the strap.

Q. For what offence?

A. Do you ask my personal knowledge on that point?

Q. No, sir; your best information.

A. My best information is this: that the master of these boys—the boys over to the farmhouse—was absent on a Wednesday to appear before this Committee in this house. The institution at that time was short of officers, and it was necessary that somebody should be in charge of his office. One of the employés, a farmer, was put in charge of the boys. The thing, of course, would not have been, except in a case of absolute necessity. During the absence of Mr. Hinckley, the master of the house, on Wednesday, the boys were disorderly in this shop and refused to work, making a general disturbance, whispering with each other, talking across the shop, and being in a state of general disorder. They were remonstrated with by this employé; they refused to obey, and continued to make a disturbance, two of them being leaders in it. They were invited out of the shop to a room for the purpose of punishment, the boys in the shop-room being left in charge of the monitor who takes charge of the boys in the temporary absence of the overseer, but is not allowed to have any charge of them for any length of time. As they passed out of the room, one of these boys seized a shovel with which to knock down the employé who was to administer the punishment, adding injury to insult. Injudiciously, the officer took the boys down into a room somewhere near and took this old piece of harness and punished them very injudiciously. If it had come to the knowledge of the trustees or of the superintendent they would not have sanctioned it, and before having come to the knowledge of the superintendent or the trustees, it was reported to this Committee.

Q. Well, Doctor, do you mean to say that boys of 17 years are punished by flogging?

A. I think boys of 17 years are strapped there; yes, sir.

Q. Is it not a frequent occurrence that boys—young men—are flogged with this strap of sole leather?

A. I should say, no. It is not a frequent or common occurrence, but an occasional one. We have a large number of boys.

Q. According to the average number, altogether?

A. Perhaps so, sir.

Q. Now, do you know of any more terrible punishment than a strap of sole leather, of the length and width and weight you describe?

A. I know that form of punishment can be used injudiciously, and boys can be treated severely by any form of punishment you may devise. When you use it judiciously, I do not believe the boys are injured, or have been cruelly treated by that instrument.

Q. Don't you know that one boy was severely flogged, and committed suicide that night?

A. I do not.

Q. Have you heard so?

A. I have heard so, but I know it is not true.

Q. What were the facts out of which the story grew?

A. The facts are these, and here, I will not state personal cognizance of the facts, but my belief of the matter. We had a boy by the name of Gartland, in the institution,—a very passionate, disorderly fellow. One day, on Friday,—I think I am not mistaken in the day,—from some cause, thinking, perhaps, he was not treated just as he should be, he went into a violent passion; he threw his school-books about his room, at the teacher, and entered into the most violent and abusive language, abusing not only his teacher, but the boys and the officers of the institution generally, threatening violence upon one and all. He was a large boy, or among the large boys. The officer or teacher over him, did not presume to go among the class of boys and take him out for punishment, but allowed him to take his seat. By the way, in the beginning, he admonished him not to do so, but not heeding the admonition, he kept on. After he had dismissed the school, the teacher called to Gartland, and asked him if he was ready to come into the floor, and he said, yes. The teacher talked with him, and Gartland was still abusive, still in a state of mind, not fit to talk with. The teacher said, "Gartland, I will put you down in the lodge until you can talk about this." He went down, and put him into the lodge, and locked him in. The next day, the boy was taken out of the lodge and taken up to the bath-room, and bathed with the rest of the boys; and in the presence of the superintendent of the institution, he was asked if he wanted to see Mr. Rice, and have a conversation concerning his conduct of the previous day. Mr. Rice was sent for to come and talk with him; he talked with him kindly for a long time, in regard to his offence, and Gartland admitted it, and said that he ought to be punished. Mr. Rice said, "I will punish you with the strap upon the hand." We don't call that flogging; flogging, we understand to be—the definition of the term flogging would cover another mode of punishment. As you have established the term, or as the Committee have established it, I understand it to mean upon the bare back, or the system other than the hand. He took the strap to administer the punishment upon the hand; he administered a light punishment. The boy complained of not being well, and had said to Mr. Rice, "I would rather take my punishment some other day." Mr. Rice replied, "Very well, if you don't want to receive it now, we will defer it," and the punishment was deferred. He went down to the lodge with him, and on the way, stopped to talk with

regard to his condition, and with regard to his punishment, and the last thing, before opening the lodge door, he had a talk, and told him, that he hoped he would get out, and that he would not do anything of the same kind that he had been doing; and in half an hour or thereabouts, he was found dead.

Q. What was the age of that boy?

A. Twenty years.

Q. Doctor, do you think a young man, 20 years old, who shows such a penitent disposition as that boy did from the testimony you have given, ought to be flogged?

A. I do not know, sir, that he should, if he had a penitent disposition. This boy was a violent boy; he had been punished frequently before, and he was constantly breaking out in this violent manner; constantly I may say; very often.

Q. You have said that the boy admitted he was wrong and that he ought to be punished after his superintendent had talked kindly with him—this was the next day. Now, do you think that a boy, 20 years old, who exhibits such a disposition, ought to be flogged?

A. I mean, sir, that if the boy had been violent, and had been punished for similar offences before, and admits his offence, that he ought to be punished. If he had not been punished, thousands of other boys would make the same excuse on the same complaint, and only go from the lodge back to the school again to do as he had done; to play again as he had been playing before.

Q. Is it your opinion, as one of the trustees of the institution, that a young man, 20 years old, of violent temper, who readily, on being kindly talked to, admits his offence, should be flogged, or that he would be the better for it?

A. Well, sir, you put that upon high moral grounds.

Q. I put it precisely as you have testified. You are a physician, and you are a trustee of this state institution where young men are sent to be reformed. I ask you whether in your opinion, either as a trustee or as a public officer and physician, a young man 20 years old, who, when reasoned with, admits his fault, ought to be flogged under such circumstances?

A. I do not believe, sir, that boys of that age should be flogged; I do not believe that boys of that age should suffer corporal punishment in an institution of that kind.

Q. Then why do you permit it?

A. Because the State has compelled us to keep these boys there in that institution. We have remonstrated against that punishment; we have asked the State to give us means of governing them otherwise, and the State has virtually done so; and we hope the day is not far distant when we can govern the whole class of these boys without any use of the strap. We have been compelled, in order to keep the institution and maintain government there, to keep the class of boys within the walls of the institution which you, as legislators, have sent us, and we have been compelled to resort to such means.

Q. The boys are given religious instruction?

A. Yes, sir.

Q. Now, do you think a young man 20 years old would be any more likely to be attendant on prayers or good advice, after he had committed a fault and was sorry for it, if he was taken out and flogged on the bare back, and was then afterwards kindly dealt with?

A. He was kindly dealt with and kindly remonstrated with, over and over again. I do not believe, sir, that the boy would be more likely to reform, because I don't believe there was any such thing as reform in him.

MR. ALLEN. I mean the kindness represented by a strap of sole leather, an inch and a half in width, and a quarter of an inch thick.

A. He had been tried with this kind of kindness, and it failed.

Q. And the other produced death?

A. No, sir.

Q. (By Mr. PRESCOTT.) Did you say this boy had been punished several times before?

A. During his history in the institution; yes, sir.

Q. Do you know whether he had been punished several times before within a few months of this occurrence?

A. I do not know; I think not.

Q. Do you know he was not?

A. I do not know he was not, within a few months.

Q. (By Mr. ALLEN.) You said punishments were not frequently made upon the bare back. Where was this strap applied?

A. On this day?

Q. No; usually.

A. Usually it is upon the hand.

Q. Frequently?

A. Frequently upon the thigh.

Q. Naked?

A. Certainly, sir.

Q. Well; do you mean that boys of 17 are stripped so as to expose themselves up to the waist and flogged there, in that manner, upon their backs?

A. Stripped to their waists?

Q. Stripped up to their waists, so that their naked backs are exposed and flogged?

A. I do not know, sir, but that their shirt is longer than their bodies.

Q. I asked you whether the backs of these boys are exposed there, and they are flogged?

A. I know that they have taken their pants off, and struck them upon their buttocks.

Q. Do you consider that a proper punishment for young men 17 years of age?

A. I have stated to you, sir, that the trustees do not believe these boys should be punished in this way; they believe they should be put in an institution where they can be subjected to better than corporal punishment, and that is what they have been laboring for during these four years.

Q. You spoke of another punishment,—of being deprived of their rations. How long do you deprive them of their rations? Do you mean entirely? Describe what you mean.

A. The boys will be deprived of their dinner, or of their supper; they are never deprived of their food for twenty-four hours. They may be put on short rations for twenty-four or forty-eight hours.

Q. What do you mean by short rations?

A. Enough bread and enough water, but not having their coffee, and not having their usual amount of food.

Q. You say that the officers use only weapons allowed by the trustees. What weapons do they use?

A. The strap that has been described.

Q. Any firearms?

A. No, sir; there are no firearms allowed in the institution by the trustees, and I think there are none carried.

Q. You spoke of the assault that was made by these boys upon Mrs. Moore. What did these boys say was the cause of the outbreak?

A. They wanted to get out of the institution, and they were ready to resort to any means.

Q. Did they make any complaint against the lady?

A. No, not in the least; the old lady was respected very highly.

Q. About the riot of last January. Do you know that the real commencement of it was a blow struck the boy Collins in the mouth by one of the officers for a very small offence, and that that was the beginning of it?

A. No, sir; I did not know that.

Q. Haven't you heard so?

A. I have heard so from the boys and from a member of this committee.

Q. Did you ever inquire of the boys?

A. I cannot say positively that I have inquired of each individual, but I have talked with the boys.

Q. Did any of the boys tell you that Collins was struck in the mouth, at the beginning of it?

A. No, sir; the boys told me he was not.

Q. Well, you have heard the story?

A. I have heard the story, but I did not hear it before I heard it from a member of this committee; subsequently I did.

Q. Do you mean members of this Committee?

A. No, sir; I mean members representing the reformatory institution.

Mr. WASHBURN. I want to make a motion, and I may as well make it now. It brings out a little statement which will illustrate particularly how this matter has proceeded, and the position of the Committee during the investigation which took place. As you will remember, certain charges were brought forward by a member of this Committee in writing. These charges were sustained by evidence of Mr. Hinckley and Mr. Phillips. There was an opinion in the Committee that the evidence did not sustain the charges. Then the Committee proposed to take the charges, and the result of it was that the Committee were not allowed to

take the charges, nor to have copies of them. That is to say, the gentleman who brought them forward represented that from the manner he came into possession of the charges, he was not at liberty to leave them with the Committee, or to allow the Committee to take copies of them. I felt obliged, for it has a savor of justice about it, to concede the point that, as the gentleman said, his honor would be compromised if he allowed them to appear, that we ought not to insist. I think I was wrong; but I am very happy to say that I erred honestly, and from a sense of extreme delicacy; because it puts us in a false position, and we have been very patient with it. It put us in a very awkward position in regard to the public. People have been saying, "What is it? What is it? Why don't you come out and tell us the whole thing?" Mr. Chairman, we could not tell everything, because everything had been withdrawn from our possession on this point of delicacy. I confess I did not suppose it would put us in such a condition. Now, then, instead of seeking to cover up anything, we have simply been deprived of these charges themselves; and I notice this morning this accompanying circumstance, that neither Mr. Hinckley nor Mr. Phillips, who were to be relied upon to prove these charges, are present. Now, I don't know whether they will be here, and I do not know whether notice has been sent by the clerk of this Committee for both of these men to be present. I wish that there may be no mistake about it, and in order that there may be no excuse, I move you that the Committee summon Mr. Hinckley and Mr. Phillips to appear at this hearing from day to day until it is concluded, or until they are discharged by order of the Committee.

The CHAIR put the question.

Mr. PRESCOTT. I should hardly second that motion. I have no question whatever but what Mr. Hinckley would have been here to-day unless he had been sick. I learned from a gentleman living near him that he has been sick for the past few weeks. I trust that both these persons will be summoned before the Committee. One other word I would like to state in answer to Colonel Washburn. He spoke of certain charges having been made by certain officers connected with the institution. I do not understand that any formal charges have been made. Statements were made which were the original cause of the investigation connected with the institution, and the result of these statements was that sub-committees were appointed to go to the institution and take evidence in regard to the management and discipline of that institution. I desire to state for one, Mr. Chairman, after having made some startling statements in the House when this matter was brought up there, that I made the statement, not upon any statements that had been made to me by officers connected with the institution, but from evidence which had appeared there before this sub-committee of the general committee.

Mr. WASHBURN. Generally, I do not care anything about it; but anybody can see that this motion is made simply in the interest of getting all the facts. I want to be sure that the people who know the facts about this institution may have a chance to come here and testify; that is all. My motion is just in the opposite direction from covering any single thing up.

Mr. ALLEN. In calling upon Mr. Prescott to furnish the names of boys from the Reform School who should testify, I spoke of him because I knew he was on the sub-committee and knew what boys should be called.

The CHAIRMAN. If any gentleman will file with the secretary the names of any persons, inside or outside of the institution, that they desire to have summoned before this Committee to testify in reference to this case, those persons shall be summoned before the Committee.

Mr. PRESCOTT. One other request I wish to make. This sub-committee saw two or three boys that had been punished; they also saw the weapon with which those boys had been punished. They brought that weapon with them to the committee-room some two or three weeks ago. I understand that weapon was taken from the committee-room, by whose leave I know not, but it was taken back to the institution. I would ask that that piece of harness strap, with which some two or three boys were punished, be also brought before this Committee.

Mr. TOMPKINS. I will say that I believe I was the chairman of the committee who went up there and brought that strap down. I gave it, I think, to Captain Davis, one member of the committee, but what became of it I do not know.

The CHAIRMAN. There will be no trouble about the strap.

Mr. WASHBURN. Let it be included in the summons.

The CHAIRMAN. It is moved that Mr. Hinckley, Mr. Phillips, Mr. Chase and Mr. Clarke be summoned to appear to-morrow; after that we will summon the boys from the institution, and such other persons as may be desired. We cannot summon them all at one time, but the motion is that these persons named be summoned to-morrow.

The motion was put and declared carried.

Dr. HARVEY. The strap which has been alluded to here with which two boys were punished, I have alluded to and said it was not sanctioned by the trustees of the institution, and could not be sanctioned by the trustees and superintendent. That particular strap is not the strap with which the boys are punished in the institution. Allow me to say that a gentleman of the Committee gave me that strap in the committee-room, but what I did with it I cannot at this minute say. I am not sure that it is in existence or that it is not.

The CHAIRMAN. You can get another similar to that.

Dr. HARVEY. If it is in existence the Committee shall have it. With regard to flogging these boys: flogging, gentlemen, in the popular sense of the term, means punishment upon the bare body, and not upon the hand. I wish that that may be set right in the minds of the Committee.

Adjourned until Wednesday, March 28, in the blue room.

SECOND HEARING.

WEDNESDAY, March 28, 1877.

Senator DENNY of Suffolk in the chair.

The CHAIRMAN. Mr. Hyde, I would inquire if you propose to hear further from Dr. Harvey.

Mr. ALLEN. I desire to ask the trustee one or two questions with your permission.

The CHAIRMAN. Proceed.

Dr. HARVEY—*Continued.*

Q. (By Mr. ALLEN.) Dr. Harvey, do I understand you to say that young men of the ages of 17 to 21 were flogged with the leather strap you described?

A. I did state yesterday that the boys at the institution were flogged with a leather strap.

Q. Up to what ages is that punishment inflicted?

A. No definite age has been fixed.

Q. Will you state whether it has been inflicted upon young men 20 years old?

A. I am not able to say whether it has or not.

Q. Will you state whether it has been inflicted on young men 19 years of age?

A. I am unable to state that.

Q. Does the rule of the trustees permit the punishment of young men up to the ages of 21 with a leather strap upon their person, their pants being removed?

A. The rules of the trustees apply to no age in particular. They apply to all the inmates of the school alike.

Q. Will the rules of the trustees permit the officers of the institution to strip young men up to the age of 21, and flog them in the manner you describe?

A. The rules of the institution permit the officers of the institution to punish the boys with the strap.

Q. Of all ages?

A. It does not define ages.

Q. Of all ages?

A. It says nothing about ages; it does not define the ages. I remarked that they apply to all inmates of the institution alike. They do not single out any class.

Q. Will you tell me whether there are not at the institution quite a number of 20 and 21,—upwards of 17?

A. We are sorry to say there are boys in that institution of 19 and 20, —some approaching their majority.

Q. Those boys are permitted to be flogged by the rules of the institution?

A. They are under the same discipline as other boys.

Q. Do you know any young men of 20 years of age who have been flogged in the last two years?

A. Never seen any.

Q. Have you heard of such cases?

A. No, sir, I have not heard of such cases,—not so stated in that way.

Q. Have you heard them stated in that way?

A. No, sir, because the ages are not mentioned.

Q. How old was that boy who committed suicide, when he was flogged?

A. The boy who committed suicide, when he was *not* flogged, was 20 years and some months.

Q. I mean that he committed suicide after the flogging.

A. I testified, yesterday, that he was not flogged, in the general sense of the term flogging.

Q. (By Mr. PRESCOTT.) Was he punished?

A. He was punished lightly upon the hand.

Q. (By Mr. ALLEN.) Will you state whether he was told whether he would be flogged afterwards?

A. I am not aware that he was told so.

Q. Haven't you been so informed?

A. No, sir, not so informed.

Q. What was he told when he was sent back to the cell, or room?

A. It was said that if he was not ready to receive punishment that day he would be put back into the lodge until he was in better health.

Q. What to be done to him there?

A. I presume it to be to receive punishment.

Q. What punishment?

A. Strapping upon the hand.

Q. Are you certain that was the method?

A. I am certain it was the method that day.

Q. Are you certain he was to receive it?

A. So far as I know.

Q. You speak of their being fed upon bread and water while in the cells; how often were they fed while there?

A. I spoke of their being fed upon bread and water as a temporary matter—not while in the lodge any considerable time, but for a few days.

Q. How often were they fed on those few days?

A. Twice a day, if they are there more than one day. It may be when they are there not more than one day they are not fed twice a day.

Q. How often that day?

A. Once.

Q. Was that punishment sufficient?

A. I think it is sufficient.

Q. Do all the trustees know of the use of that sweat-box?

A. I think so, sir, possibly with one exception—a gentleman who came upon the board this spring.

Q. Who was that?

A. Senator Swett from Haverhill. I am not aware that he knew of it, he being a recent member there.

Q. You think all the trustees knew of it?

A. I know it was read in their presence on the quarterly meeting, 7th of April, 1875; and to the best of my knowledge and belief, every member went into the attic and saw it.

Q. Do all the trustees know that boys are flogged on their bare persons, the trousers being removed, and as you described?

A. So far as I know, they all knew it.

Q. Do you know what became of that leather strap that was before the Committee?

A. I do not know what became of that strap. I remember being in the committee-room, the strap was lying on the table, and I asked some gentlemen of the Committee if they were through with it, and they said yes, and I took it; and I am unable to say what I did with it. I am unable to say whether it is in existence or not.

Q. Do you remember asking a member of this Committee where the strap was, and he told you in the drawer?

A. I do not remember. Three members were standing by the table, and that strap came to my mind, and I asked if they were through with it. The conversation, in regard to just the words, of course, are not fully impressed in my mind, but simply the facts in the case. I took the strap.

Q. Do you remember telling the Committee that the strap belonged to the trustees, and you meant to have it?

A. I don't remember that fact.

Q. Will you say you did not tell him so?

A. I will not say I told him so, and I will not say I did not.

Q. Are the boys' hands tied when they are taken out and flogged?

A. No, sir; not to my knowledge.

Q. Have the trustees authorized the boys to be tied up by their hands while receiving floggings?

A. Not to my knowledge.

Mr. ALLEN. Mr. Chairman and gentlemen of the Committee: I desire it understood that this investigation is taking place upon the order offered in the House of Representatives by me; but I do not appear here in any way or manner as the representative of the complainants, except as any other member of the House, or any citizen, may appear. I desire very much to be relieved of the trouble of interrogating witnesses. I came here yesterday, because Mr. Bird is ill, and took charge the first day. My business requires my presence elsewhere, and I desire the Committee to understand that I appear simply as a citizen, desirous of getting information. Therefore, I desire any citizen to consider himself authorized to make inquiries and do all he can to promote truth and light.

The CHAIRMAN. I wished to state that, as a matter of courtesy, we asked you to assume the initiative in these proceedings, and, of course, it is entirely voluntary for you to continue. We will be very glad to have you relieve us of the responsibility and labor of asking questions; and any one else who has questions to ask upon the points at issue, the Committee will be glad to have them ask them. There must be some limit to it. Of course we cannot resolve ourselves into a debating society, and allow every one to ask questions who sees fit. We are now investigating the subject of punishments, and we shall be glad to hear any questions.

Q. (By Mr. PRESCOTT.) I notice in the last report, on the 10th page, the following paragraph:—

“Ours is a reform school, but it is also a place of discipline, of punishment, and of labor. Without discipline there can be no success to labor; without punishment would make it simply a school and place for learning trades and work on the farm, which would defeat its purpose.”

I wish you would explain what the trustees mean by this: “Also a place of punishment and labor.” That has certainly been blind to me.

A. I would state to the Committee that I was not the author of this particular sentence and this particular report, although my name is appended to the report. I suppose I had an understanding of what the report meant, as it was read; and I subscribed to it. [Reading.] “Ours is a reform school, but it is also a place of discipline.” Any explanation, so far, Mr. Prescott, required?

Mr. PRESCOTT. No, sir.

WITNESS. [Still reading.] “Of punishment and labor.” Thus far?

Mr. PRESCOTT. I meant particularly the latter clause, about learning trades, etc., would defeat its own purpose. Do you understand that boys are sent to your school to be punished?

A. No, sir; not to be punished in the institution necessarily. I understand the institution itself—the sending of boys there—is punishment. That is what the institution was established for,—the sentencing of juvenile criminals. In that sense it is an institution for punishment. The institution at Westborough is not an institution for punishment, but the institution that the State established in that place was established for the purpose of reformation; and in that sense I understand the term used here.

Mr. PRESCOTT. I won't question you longer upon that point, as it is undoubtedly an unfortunate expression. You stated in regard to the punishments that are last resorted to as it were, are authorized by the trustees, did you?

A. I said that manner of punishments, such as standing on the line, etc.

Q. Then the sweat-box and strait-jacket are authorized by the trustees?

A. Yes, sir. The trustees knew of those punishments, and sanctioned them.

Q. Well, have they made any strict rules in regard to punishments?

A. Yes, sir. There are votes upon record in reference to the punishments, and a reference to the record would recall them.

Q. Is there any limit to the number of blows that a boy can receive?

A. No, sir. We have not fixed that. That has not been fixed.

Q. I believe you said, also, there was no limit to the age at which they can be punished?

A. I stated substantially that.

Q. In regard to the sweat-box, called the wooden strait-jacket here, was that instrument ever known as a wooden strait-jacket until this investigation commenced?

A. It was known as such on the seventh day of April, 1875, when it came to our knowledge, as I stated, for the first time.

Q. Do the officers and boys speak of it as the sweat-box, or jacket?

A. They do not speak of it as the sweat-box. They call it the box.

Q. The boys call it the box, do they?

A. That name was never heard of till it was heard in the Legislature of Massachusetts.

Q. Is there any limit to the time in which a boy can be confined in that box, under the rules?

A. No; so far as the rules are concerned, the strait-jacket and the box are one, and they are so applied in the estimation of the trustees.

Q. What is the treatment of a boy supposed to be placed in the box in the morning? Is he kept there during the day?

A. He is in the box directly over the office, and in the hearing of the office. If he wishes to be let out for any purpose whatever, he signals to the office and the officer there attends to his wants; and he is always taken out at night and put to bed. He is taken out for his meals.

Q. Is he given a dinner?

A. Not always, sir.

Q. He is sometimes kept there from morning till night without food?

A. Never without his breakfast or without his supper.

Q. I mean during the day. Do you know that some boy has been confined for six days in succession in that box, being taken out at night?

A. No, sir; I do not know it.

Q. Do you think it has been done?

A. I do not think so.

Q. Do you think a boy has been confined two days?

A. Yes, sir; I think so.

Q. Four days?

A. I think, perhaps so, in a single instance or two.

Q. Did you ever know a boy having his hands strapped behind his back in the box?

A. No, sir; I never have known it to be done.

Q. Do you know that one of the teachers acknowledged that to a sub-committee of this Committee?

A. No, sir; I did not hear that testimony.

Q. Have you ever heard of boys being taken out of the box in a fainting condition?

A. No, sir; I never have heard of it.

Q. Don't you know that at the meeting of the officers of this institution, soon after this investigation commenced, testimony was adduced

showing that boys had been taken out of that box in a fainting condition?

A. No, sir; I do not know that such testimony was adduced.

Q. Ever heard of it?

A. I have heard the term fainting used, but afterwards, on investigation, the term was not sustained by the officer using it himself.

Q. Do you know that the clerk of the institution had testified that three or four boys were taken out of the box in a fainting condition?

A. Before this Committee?

Q. Yes, sir.

A. I do not know that he so testified. I have never heard that he so testified.

Q. Did I understand you to say that the boys say they would rather receive a strapping than be confined in the sweat-box; which do they consider the worst?

A. The officers have told me that the boys, if given a choice, would rather be put in the box than strapped.

Q. That is the testimony of the officers?

A. That is the testimony of the officer to me.

Q. Rather be put in the box?

A. Rather be put in the box than receive the strap.

Q. Do you know that twenty or thirty boys, that this Committee have seen, have testified directly to the contrary?

A. I do not know it. I did not know the Committee had seen so many boys.

Q. Did you see, when the first sub-committee of this Committee went up there, the three boys, Sullivan, Flynn and Hector?

A. I did not, sir.

Q. Did you see any of them?

A. I saw two boys, named Sullivan and Flynn; I think they were named Sullivan and Flynn.

Q. Didn't you see the boy named Hector?

Mr. PRESCOTT. That is the colored boy.

Mr. TOMPKINS. The colored boy, the monitor.

WITNESS. No, sir.

Q. (By Mr. PRESCOTT) What do you think of that punishment?

A. I think it too severe, and improperly administered.

Q. So, if any body should call that punishment inhuman or brutal, would you think the terms too strong?

A. I do not think the boys were injured by that punishment. Persons use the same language for a different meaning. I should not use the term brutal; but I should certainly say it was unnecessary and injudicious.

Q. Had one of the boys ever worked on the farm?

A. Sullivan or Flynn—not to my knowledge.

Q. Do you remember the Hector boy?

A. I do remember the Hector boy.

Q. What is his constitution?

A. His health is very good now. He was in a weakened condition a year ago, but his health has improved up to the present.

Q. This punishment was inflicted by a man named Rawson ?

A. It was, I understand.

Q. What is his position there ?

A. He is one of the farm hands.

Q. Was he temporarily in charge of the boys ?

A. He was, temporarily.

Q. How long has he been connected with the institution—this man Rawson ?

A. I think he has been on the farm about a year.

Q. About a year. Is he still connected with the institution ?

A. He is, sir, as farmer, not as an officer ; he having nothing to do with the boys.

Q. Notwithstanding this severe punishment on the part of Mr. Rawson, of three boys—I only know of it by the report of the sub-committee—notwithstanding his severe and injudicious action, to use a mild term, he is retained as an officer of the institution ?

A. He is not retained as an officer, but is employed upon the farm.

Q. As an employé of the institution. Is Mr. Bigelow retained there ?

A. Mr. Bigelow is still an officer of the institution.

Q. You spoke of boys being sometimes drenched with water from hose. That was to subdue a riot and quell a disturbance ?

A. The instance that I mentioned yesterday was, sir.

Q. Have you ever known that mode of punishment to be used as a punishment ?

A. I have understood of its being so used in a few instances for aggravated offences, but not the hose mentioned yesterday ; but simply the garden-hose.

Q. What was the nature of those offences ?

A. We can put you in testimony to that effect, but I cannot give you it at this time.

Q. Did you ever know of this punishment previous to this investigation commencing a month ago ?

A. Certainly, sir, I did know it.

Q. You did know it ?

A. I did, sir.

Q. Do you consider it a proper mode of punishment ?

A. I do, sir.

Q. Was the mode of punishment authorized by the trustees ?

A. No, sir, not authorized by any vote of the trustees ; but the mode of punishment has been called to their attention, and it has been sanctioned and been used.

Q. As punishment ?

A. Yes, sir, as punishment for such and such cases. We have never discountenanced its use.

Q. I understand you, then, that notice was brought to the attention of the trustees of the use of the hose upon the boys as a mode of punishment ?

A. The trustees were immediately informed of the first time hose was used, and how it was used, and the success with which it was used.

• Q. What was the offence ?

A. As I stated to you yesterday, it was riotous conduct during religious services in the chapel.

Q. You misunderstand me entirely. I meant to ask you whether the pouring of water from the hose upon the boys in the lodge had been used as a mode of punishment other than to quell the disturbance at the time. I understand from the answer made by you before that some of the boys made such a noise in the lodge that it disturbed the services in the chapel, and that water was poured upon them ; that the noise was quelled and the boys were taken and cared for. But do I understand you that water is poured upon boys, not to quell a disturbance, but as a punishment for boys ? That is what I desire to get at.

A. Well, sir, we may not think alike in regard to the term punishments. I referred to the first instance as punishment when the boys were engaged in riotous conduct. It was used then, in my signification of the term, as punishment.

Q. Did you not say before the Committee that you did not consider that as punishment ?

A. No, sir.

Q. But simply to quell a disturbance ?

A. It was simply a punishment for that purpose.

Q. What I want to get at is, that that form of punishment—pouring water upon the boys—has been used as a punishment, perhaps for whistling, or some other minor offence ?

A. No, sir ; not for minor offences, but for disturbing religious services in the chapel.

Q. Something to quell the noise at the time ?

A. Something to quell the noise at the time, because they could not be brought to terms at the time.

Q. Have you heard of a case where a teacher in school used hose upon a boy for stealing a skate strap ?

A. I have heard of a case where the teacher used hose, and I think that stealing a skate strap was among the offences charged.

Q. And in that case it was used as punishment, and not to quell a disturbance ?

A. Not for that individual offence, but that was in the line of offences. As I stated in the beginning, I am unable to narrate this offence, which was the principal cause for which it was used, and to which you now allude.

Q. About that boy Gartland committing suicide a year ago last January ; did you testify that that boy was not punished ?

A. I testified yesterday that he was punished on the hand on that day, and was administered a light punishment ; that, to my belief, he asked to be let off, as he was not well, and that he was so let off by the officer.

Q. What was the punishment ; do you know ?

A. Strapping upon the hand.

Q. Have you looked over the records of the institution to find a record of that punishment ?

A. I do not know, sir, whether that is here or not. It is in existence,

if it is not here to-day, and the officer who administered it can be brought before the Committee.

Q. (By Mr. ALLEN.) Let me ask you one question. How many times in the last two years has the pouring of water by hose been used as punishment in the institution?

A. On how many different occasions?

Q. Yes, sir.

A. I think I knew exactly within 24 hours since. I think six or seven, but I will not state positively; but it was in that neighborhood.

Q. (By Mr. LOWE.) Whether since this investigation commenced, since the visit of the first sub-committee, any change has been made in the general management of the institution as respects punishments?

A. They have not been altered by the trustees.

Q. No change in the general method of discipline?

A. No, sir.

Q. (By Mr. TOMPKINS.) Was Mr. Rawson in the office that day? Is that the man we saw in the office?

A. Yes, sir.

Q. Is he in charge of the boys?

A. No sir. The officer having charge of the office properly, that day was called before the Committee. The institution at that time was short of help, and could not supply his place in any other way.

Q. (By Mr. PRESCOTT.) I asked you about that boy Hector; do you remember him?

A. I do, sir.

Q. Did you see him at the time the Committee saw him?

A. I did not see him.

Q. See him next day?

A. I did not see him next day.

Q. What is the state of the health of that boy?

A. A year ago that boy was in the hospital; he had disease of the lungs. He was in the hospital quite a time taking medicine, but recovered sufficiently to leave the hospital, and since then has been at the farm-house. He has been at one of the trust-houses. He has not been in the hospital recently, and not been under my direct observation.

Q. Don't you know, Doctor, that this boy, Hector, was placed outside of the institution for the sake of improving his physical condition,—being a sick boy, he was placed at one of the trust-houses?

A. For that purpose?

Q. Yes, sir.

A. No, sir; it was not the fact.

Q. Was not that one of the main causes of his being placed outside?

A. Not to my knowledge. I never gave orders that he should be so placed. It would be contrary to my custom to do so. I frequently take them inside of the hospital from the trust-houses, where they can have better care than in the trust-houses.

Q. Did you ever make a statement to anybody that that boy was incurable, and would probably die?

A. At the time he was first sick, I thought the disease was incurable.

To my surprise and disappointment he seems to be recovering his health.

Mr. PRESCOTT. I desire to state, that since commencing this examination I have had several notes and slips and pieces of paper sent to me to ask the Doctor certain questions. I do not desire to sit in this place as a prosecutor. I desire to get at the bottom facts in this matter, and form my judgment correctly and deliberately on all the testimony adduced here. I have had a slip passed to me to ask the Doctor questions, from parties whom I do not know,—some of whom I never saw. If they have got questions to ask the Doctor, and if they know more of this affair than I do,—and I have no doubt there are persons in the room knowing ten times more about this case than I do,—I should much rather have them ask the Doctor those questions, than that I should be placed here as a sort of prosecutor and asking questions on one side of this case. I want to get the facts, and it seems to me that any questions that anybody, knowing to the facts, wishes to ask, I should much rather have them ask them than send slips of paper to me, because it places me in a false position. There are some parties who have sent slips to me, and I do not want to ask the questions.

The CHAIRMAN. I would say that the chair would consider it entirely proper for any one present here who wishes questions asked bearing upon points under consideration, that they would put the questions in writing; and I am perfectly willing to leave it to the discretion of Mr. Prescott whether he should put the questions or not. If it is proper to put it, he can do so, and if not he will not, and that is the only way any gentleman desiring a question asked should put it, that is, in writing, and the question will be put if it has a bearing upon the question at the time.

Mr. DAVIS. I hope this reference will not embarrass any one in asking questions. I do not want any one to feel embarrassed at any conversation which has been made relative to it.

Mr. WASHBURN. There is great propriety, and I am delighted to see this sense of delicacy present itself. It is extremely improper, in my judgment, that gentlemen sitting here in a judicial capacity should be mistaken for prosecuting attorneys. I know that it does injustice to a member of this Committee to assume, that while he is sitting here as a judge, he is acting as a prosecuting attorney. At the other end of the table sits a sagacious and intelligent member of the bar, who is kind enough to assist the Committee in leading the inquiry into the management of this institution. The Committee are, of course, very glad to have his help, and it seems to me very strange that any gentleman present should not have mistaken Mr. Allen, rather than Mr. Prescott, as the person who was conducting the inquiry into this management. While I shall welcome questions, I would suggest the obvious propriety of their being communicated through Mr. Allen, and not through a member of this Committee, of whom it might falsely be assumed, that he was interested in carrying out the prosecution, which I should hope would be avoided.

Mr. PRESCOTT. The questions I should naturally ask of the witness are matters that have been brought to my attention as a member of this

Committee and a member of the sub-committee. Having spent a great deal of time in the last two or three weeks in an official capacity, of course there are some matters I can ask about; and there are matters I do not know about; and if there are any matters that they do know about, I should like them to ask the question.

Mr. DAVIS. I want to say, sir, that anybody, and the Committee also, will understand the position in which we stand. If I understand it wrongly, I want to be made right. This order, under which we are acting, is, "that the Committee on Public Charitable Institutions inquire and report whether any and what legislation is necessary in regard to the discipline at the State Reform School at Westborough." Now, on that, it seems to me it is not only our duty to hear evidence, but "to inquire." "To inquire!" I lay considerable stress upon that word, so that nobody will feel that by asking questions of individual witnesses, or that if I ask questions, I do not want anybody to feel for one moment that I am stepping outside of the line of my duty, or that it is improper in any way. I feel that the word "inquire" means that the Committee shall inquire. I think it can be interpreted only one way, and if I am wrong I want to be set right.

The CHAIRMAN. I think there is no difference of opinion upon those points, but we must have some method about those inquiries; and if any gentleman wants to make any inquiries upon the points under consideration, let him put them in writing. It would be best to put them in the hands of Mr. Allen, who is at present representing the Committee. There is no objection to it in him, he putting any inquiries he chooses.

Mr. WASHBURN. I thought the gentleman quite right in making the remarks he did.

Dr. HARVEY. Not as a witness, but allow me to say as a trustee that I hope the questions will be asked. We think our case clear and above board, and we court this investigation.

Mr. PRESCOTT [to witness.] I have asked you in regard to some punishments, and I want to get a little better idea than I have now in regard to the mode of punishing boys by drenching them with water; whether that has been used to your knowledge as a mode of punishment other than to suppress noise, disturbance or riot. You understand, I suppose, what I intend to convey in that,—whether it is used as all punishments or considered entirely distinct when being used to quell a noise, riot or disturbance?

A. Well, sir, I cannot give you so definite testimony on that point as others will be able to do; but my impression is that it is not to any extent,—possibly for one or two aggravated offences.

Q. Do you know what the aggravated offences were?

A. Not completely, sir.

Q. Did you ever hear of the boy Longdon being played upon by the hose?

A. Well, sir, I do not recall the name.

Q. Sullivan?

A. I don't recall that name. He may have been among the seven boys.

Q. Crowley?

A. Crowley, I think, is among some of the boys that have been played upon.

Q. Have you heard of Cahoon?

A. I think he is among the number.

Q. A boy by the name of Lombey?

A. I think Lombey is among the number.

Q. Were you knowing to the fact that Lombey was confined in the sweat-box six days in succession?

A. I was not, sir.

Q. After the outbreak in January last, did the board of trustees have an investigation of the cause of the outbreak, and the facts in relation to it?

A. Did they have?

Q. Did they have?

A. The trustees were immediately informed of the outbreak, and assembled at the institution.

Q. They investigated the matter, did they?

A. They did.

Q. What conclusion did the trustees come to in regard to the outbreak?

A. We found no cause for coming to any new conclusions in regard to it other than has been stated in the report of this Committee already made and published.

Q. What do you mean by new conclusions?

A. I mean the different conclusions given to the Committee previously, and stated by the Committee to the public. If I could read your report, I could give you the conclusions.

Q. This meeting was held, how soon after the outbreak?

A. I think on the following day—not the following day—but the day following but one; perhaps on the evening of the day following.

Q. What was the nature of the investigation?

A. To make inquiry in regard to the whole subject-matter.

Q. Did you have any of the officers of the institution before you?

A. Yes, sir.

Q. Did you have any of the boys of the institution before you?

A. They talked with the boys. They did not have them before them; we went to the boys.

Q. Did it appear during the investigation that the ringleader in that outbreak—the boy by the name of Collins—was struck by his teacher a day or two before the outbreak?

A. It did not so appear.

Q. Do you know that twenty or thirty boys appeared before the Committee and that every one of these boys, possibly with one or two exceptions, stated that the cause of the outbreak was that the boy Collins was struck by one of the officers of the institution a day or two previous?

A. I am not aware that the boys so stated—not that that number so stated.

Q. I think twenty or thirty so stated?

A. I was not aware of the number.

Q. What sort of an officer do you consider Mr. Bigelow to be?

A. We consider Mr. Bigelow to be a very good officer.

Q. Do I understand that he is now connected with the institution? Was he not discharged from that institution three or four years ago for maltreating one of the boys of that institution?

A. He was not.

Q. Was he not discharged by Mr. Allen, the former superintendent of that institution, for cruelty to a boy?

A. I don't know. My knowledge only extends back to the institution three or four years ago; not to my knowledge.

Q. I mean at any time. When I ask you whether a man was discharged some two or three years ago for cruelty to a boy, you answer, "no—he may have been."

A. I answer "no." He has been an officer in the institution since my present service.

Q. Did you know he was formerly connected with the institution?

A. I did, sir.

Q. Did you hear that same man—that same Mr. Bigelow—was discharged from that institution for cruelty to a boy?

A. I never heard that, sir; but I heard, if I may so state, other things.

Q. You have heard that he had been discharged?

A. No, sir. I had never known that.

Q. You testified so, I think, to the sub-committee.

A. I think not, sir.

Mr. PRESCOTT. I may be mistaken; but Doctor Lowe and Captain Davis were with me at the institution. What do you say, Captain Davis?

Mr. DAVIS. I do not think I took the evidence on that point, but my judgment is, that he testified that he was discharged.

WITNESS. If I so testified, gentlemen, I think I should testify so now. If I testified so then, it was from knowledge. I have no knowledge upon that point. I never heard that the man was discharged. I don't think I could have so testified.

Mr. PRESCOTT. I don't mean to give the impression that you did testify so; but the reason why I asked you if he had been discharged was, because Mr. Bigelow himself testified to it. I did not mean to convey the impression that you so testified.

WITNESS. I understood you that I so testified. I was not aware that he testified so. I was not present to hear his testimony, and I have no minutes of it.

Q. (By Mr. PRESCOTT.) About the matter of some boys being kept down there in the lodge, Mr. Bigelow testified that he had trouble with the former superintendent, and that was the reason of his discharge.

A. Yes, sir; I had heard that he had trouble, and he preferred charges against Mr. Allen and left the institution.

Q. You hired him into the institution a second time, did you?

A. Yes, sir.

Q. Did you know, at that time, he had been connected with the institution before?

A. I think so, sir; I could not testify positively, just at that time. I knew early after his return that he had been an officer there.

Q. Did you know of the circumstances of his leaving the institution previously?

A. I did not. I never had learned that.

Q. You testified about some boys being confined there in the lodge, along last spring and a year or more ago, some weeks at a time,—eight or nine weeks.

A. I testified yesterday in regard to the boys being detained there, after being transferred to Bridgewater, by order of the board of state charities, and retained there until their removal took place.

Q. Who were those boys, do you know?

A. I could not give you the names at the present time. If my recollection serves me, Watson was one of them,—if my memory serves me. The fact is, I don't retain names of boys in my mind. I know boys by sight, and have to deal with them so much I never call them by name, or very rarely do so. There are some officers who can call every boy by name where I cannot call twenty-five of them by name.

Q. If I understand the testimony, there were several boys down there in the lodge some eight or nine weeks; do I understand that these boys were placed there at the disposition of the board of state charities?

A. Yes, sir, at one time; the boys I mentioned yesterday.

Q. They were confined in the lodge?

A. They were detained there while their cases were under consideration. Some of them were immediately transferred; others were retained still longer, to be transferred after the board of state charities had given the authority. You asked me for their names. It seems to me now that Martin and McGee were two of the boys.

Q. Do you remember anything of three boys, Gloss, Turner, and Quinn, who were detained there some eight or nine weeks without their clothing?

A. I never heard of it; I never heard they were detained there nine weeks without their clothing.

Q. Did you ever hear that they were detained nine weeks?

A. Possibly they were in this number I have testified in regard to.

Q. The reason I ask you that is because Mr. Clark of Rowley, who was the keeper of the lodge at that time, testified according to his memorandum that they were put in on the fifth day of March, and that they were kept there nine weeks. I think his diary shows it.

A. These facts I am not able to ascertain; I think these boys were in the Bridgewater crew.

Q. Doctor, couldn't you possibly find this strap that the Committee have had once?

A. I will try, sir, to the best of my ability. If I can find it, the Committee shall have it. I will assure you, sir, on oath, there is no disposition

to conceal it, because the trustees condemn that proceeding just as heartily as you or the public do.

Q. I want to ask you in regard to the boy Gartland, who committed suicide one year ago last January, whether you knew that boy was not punished upon his bare back,—that boy of twenty years or more?

A. Well, Mr. Prescott, I know this much about it, what the officers tell me. The officer having him in charge told me he was not. I am sure he had not a mark upon the back, because I happened to be at the institution at the time he committed suicide. I was driving by just as he was found. I went immediately to the lodge. I was there within one minute of the time when he was discovered. I asked no questions, but the boy was cut down. I laid him on the floor, and I commenced to perform artificial respiration, that I might restore him. I kept up that process fifteen or twenty minutes before I learned how long he had probably been dead, and having his stockings removed, and finding that he was cold in death, I desisted from my efforts to restore him to life. He was stripped, and I saw his body, and there was no mark whatever upon it.

Q. How long have you been connected with the institution, Doctor?

A. I stated yesterday seven or perhaps eight years.

Q. Well, from your experience as to the use of corporal punishment on boys of 16 or 17 or 18 or 19 or 20 years of age,—what is the effect of it?

A. I should be glad to say, and I think I will say, not good. I do not approve of corporal punishment at sixteen or seventeen, or upon boys or children of any age. I have under my care 900 children, to the older of whom I do not allow corporal punishment to be administered. They are pupils in the public schools. The trustees are sorry that they were obliged to administer it in the institution under their charge. They have so reported to the State over and over again, and have asked for means whereby they may not be obliged to continue this system of discipline. They have asked to have this class of boys removed from them, and then the corrigibles left on their hands, so that they can carry on things as parents do their children, and the State has not seen fit to give us that relief; but they have seen fit latterly, and when the improvements at the institution are completed, we hope the class left in the reformatory will be manageable without it.

Q. So, then, you do not think the use of the strap or corporal punishment,—and by that I mean any punishment that inflicts bodily pain,—you do not think the influence of it has been good in that institution, do you?

A. I believe it has enabled us to maintain discipline there, and without it the boys would have managed the institution, and not the officers.

Q. Since this investigation took place, have any new regulations in regard to punishment been adopted by the trustees?

A. No, sir. This investigation commenced on the fifth day of January, or sixth day of January. At our quarterly meeting this subject came up as one of the subjects for consideration; as it has frequently in years past, in order that we might get at a full view of the whole subject, and see if we could not improve upon the methods we were employing; a sub-committee was appointed to report at the next quarterly meeting.

That committee has not yet reported, though it has had the subject under investigation. They took it immediately under consideration that evening, and have had it under consideration since.

Q. (By Mr. HYDE.) Who are the sub-committee?

A. Moses H. Sargent of the Congregational Publishing House, Stephen G. Deblois of 9 Doane Street, and William H. Baldwin of the Young Men's Christian Union. In this connection, let me say, gentlemen, I do not know that there is a man on this board but who is opposed to corporal punishment if it can be avoided. Setting aside myself, they are every one of them humanitarians. They have so expressed themselves over and over again.

Q. (By Mr. PRESCOTT.) Do you not think the board of trustees, and especially these gentlemen, are knowing in regard to the severe punishments that have been given, Doctor?

A. Well, sir, you put it "in regard to these severe punishments." Yes, sir, they know all about the recent punishments; they know about every one of them, as I have said before, and condemn it.

Q. (By Mr. ALLEN.) I read from chapter fifteen of the by-laws of the State Reform School, covering all there is spoken of discipline. Chapter fifteen says: "The discipline and object of the institution being reformatory rather than penal, the government is intended to be parental and kind, and the law of love should be the ruling element in all the discipline of the establishment. The means of restraint and punishment should be solely of a moral nature, except in the last resort." Will you tell me if you have a rule which allows young men, sixteen and twenty years of age, to be strapped and flogged with a leather strap, to have cold water played upon them, to be imprisoned from breakfast-time until supper-time in a sweat-box, and if that is a government that is "parental and kind"?

A. I think so, sir.

Q. Would you like to have your own children treated in that way, Doctor?

A. If they could not be disciplined in any other way.

Q. Do you think the law of love is the ruling element in these punishments?

A. I think the law of love is the ruling element in the State Reform School,—emphatically so. It is in the heart of the superintendent.

Q. (By Mr. HYDE.) Were not these regulations adopted before the State put the incorrigibles upon them?

A. It was in 1869. I do not know when.

Q. (By Mr. ALLEN.) "The means of restraint and punishment should be solely of a moral nature, except in the last resort." Do you consider a leather strap, applied to a young man, putting him in a sweat-box and pouring a stream of water upon him, is punishment of a moral nature?

A. If it is a last resort. I think that any punishment that tends to discipline a boy and bring him to a proper conception of duty, tends to leave him in a moral frame of mind.

Q. Then, you think that taking a boy's trousers off, exposing his person, and punishing him with a leather strap, raises him morally?

A. If done properly, and for the proper cause.

Q. In that manner?

A. Yes, sir.

Mr. PRESCOTT. Is the book of punishments there?

Mr. ALLEN. Yes, sir; shall I send them to you?

Q. (By Mr. DAVIS.) One or two points I want to understand more clearly. You say, Doctor, that Mr. Rawson is a farm officer—a farm hand?

A. He is a farm employé.

Q. Well, he occupies that position now, does he?

A. He occupies that position at the present time.

Q. Has he occupied the same position since he came to the institution that he does to-day?

A. I think so, sir.

Q. And he occupies it the same as he has done at any other time?

A. I think so, sir.

Q. Was he employed in the institution in the same position when he punished those boys?

A. Certainly, sir.

Q. Well, supposing the same occurrence should come up, and it was necessary to put a man in there, he is as likely to be asked to take care of the boys as before, is he not?

A. The experience that the superintendent and the trustees had with him at that time, if they found it necessary to put him in any such position, would lead them to use caution. I do not think he would be placed in that position, if it could be possibly avoided. It is not intended he should be; he is not kept there for that purpose. It is simply because he is a good farm hand, and has nothing to do with the boys in his capacity, that he is retained as a farmer.

Q. Has he had charge of the boys in the same capacity since that he had then?

A. Possibly, sir, following out these two years.

Q. Since that?

A. Not to my knowledge.

Q. You state that you do not approve the administration of the strap as it has been used?

A. I should be glad to avoid it.

Q. And the reason why you have been forced to do it is that the State has deprived you of proper discipline without using the strap?

A. They have placed in our charge a house of correction class of boys and state prison subjects, and they have not given us a corresponding system of discipline; they have compelled us to use the system of discipline formerly used in the institution. They have given us no new powers; no new directions; no new methods of feeding; no new methods of clothing; no new methods of instruction.

Q. Now, you have stated somewhere in your evidence, I think, that boys, as they improved in their conduct, were allowed to be promoted from one place to another, and were allowed to be placed outside in trust-houses as they became better. One of the last things before they

were allowed to go outside, or to be disposed of by the visiting agents, would be to put them in the trust-houses outside, would it not?

A. Substantially; yes, sir.

Q. Were not these boys connected with the disturbance boys who were in these trust-houses, and did not come under the statement of incorrigible boys in any way?

A. What, all these boys that have been discussed? not one of them, sir, except Flynn and Sullivan and Hector.

Q. Do you know anything about the boys being punished the Saturday before by one of your officers at that same institution?

A. I do not recollect; have you reference to Assistant Superintendent Wood's punishment?

Q. Yes, sir.

A. Yes, sir; I remember that.

Q. Do you remember that he punished two boys on the bare back two days before this sub-committee visited the institution?

A. I have heard you state it, sir.

Q. Well, was one of these boys stripped to his back? Was his back bare?

A. It should have been.

Q. Well, these were two boys who were punished the Saturday before we were up there?

A. I so understand it.

Q. Well, was not one of these boys one of the boys that was whipped by Rawson on the Wednesday after; and was not one of the boys one that was whipped the Saturday before by Mr. Wood?

A. I so understand it.

Q. He was whipped again by Mr. Rawson?

A. I so understand it.

Q. But still these were boys that were in the trust-houses outside; and also Mr. Flynn, who was again strapped at the time of our consultation? They were both in the trust-house, these two boys, and the Hector boy was also flogged on his bare back?

A. I did not say that.

Q. The general records show that?

A. No, sir; I do not think he was flogged on the bare back; boys are rarely flogged in that way.

Q. You would not swear to that?

A. No, because I was not there.

Q. Have you heard anything here, or has it been brought to the notice of the trustees of the institution, that on Thursday, the day we were there, this Hector was taken from the workshop to the barn, under the cover of a pistol, there to receive his punishment?

A. No, sir; we never heard of it. We have heard that he was punished by that Mr. Rawson, on that day, but not under the cover of a pistol.

Q. I do not mean that he was punished under the cover of a pistol, but that he was forced to go to the barn under the cover of a pistol—Mr. Rawson held his pistol in his hand, and Hector marched before him?

A. It has never so appeared.

Q. Has it appeared that he used his pistol that day?

A. It did appear that he drew his pistol that day.

Q. For what purpose?

A. To suppress a riot in the shop; but, sir, it did not appear that there was any connection with the punishment of Hector and the drawing of the pistol.

Q. Then, it never yet has appeared before the board of trustees that he was forced to go from the shop to the barn under the cover of a pistol?

A. Never, sir.

Q. Well, it might appear, possibly, that you do not always know, and that things might occur that do not come before you?

A. Yes, sir; things do occur that do not come before us, in the State of Massachusetts.

Q. Well, now, I want to ask, if there were not two boys beaten by Mr. Wood, the Saturday before the Committee went out there?

A. I have said that there were.

Q. Do you know their names?

A. Sullivan and Flynn.

Q. Do you understand they were both punished the Saturday before?

A. I think that was the testimony given to the sub-committee in my presence.

Mr. SANDERSON. You mean Kelly and Sullivan.

Dr. HARVEY. Well, it is a mistake in the name simply, and not in the punishment.

Q. Mr. DAVIS. Well, the fact is, that these boys had been punished severely; and the cause of this punishment was that the State had refused to furnish you the means of discipline other than those used. Now, I want to understand clearly whether or not either of the boys that had received this severe punishment, were boys that had been promoted from one place to another, until they were placed outside in the trust-houses of the institution; and notwithstanding they were so placed, they received this severe punishment; that is the point I wish to understand clearly. I do not know as I have anything more.

Q. (By Mr. HYDE.) Without going into any discussion of the boards in the practical working, as to the relation of the trustees to the board of state charities; you have stated there were boys held until the board of state charities decided whether they should go to Bridgewater. What is the practical relation?

A. The practical relation is, that the trustees have authority by statute to apply to the board of state charities for a transfer of their subjects to some institution. We have so applied in several instances, and the board of state charities have granted our request. Furthermore, the board of state charities have authority to transfer the inmates of that institution to us, and we have to receive them. Further than that, there is no practical relation.

Q. Now, in those cases where you have applied to have them trans-

ferred, do you mean by that, cases where the boys have been incorrigible, or other boys?

A. Boys that have been incorrigible.

Q. Those are the only boys that you apply to them to relieve you of. What is the institution at Bridgewater that they are transferred to?

A. It is called a workhouse.

Q. Now, in regard to placing the boys, allowing them to return home, etc., who acts for the State in that capacity of examination?

A. When we wish to release boys?

Q. That is, when they are sent out to farms, etc. What is Mr. Tufts' relation?

A. Well, if there are boys to be released, Colonel Tufts is informed of the boys' parents, and visits the families and reports to us in writing whether or not the homes are proper homes and whether or not he advises the boys should be so released. If a farmer on a farm, specifying in Berlin, wishes a boy, we do not know and we have not the means of knowing, whether that farmer is a proper man to receive the boy and care for him as the boy should be cared for. We notify the agency, and an agent visits that man and makes his report. That report always comes before the Board of trustees before they release the boys.

Q. There is another thing that there has been one or two inquiries made about, and that is, whether you have ever considered the question, and whether you have any plan in regard to it, and that is, to enable the boys to learn trades there. At present, I understand you to testify, that the labor department is formed of making their own clothes, carrying on the farm, and bottoming chairs?

A. Yes, sir.

Q. Now, whether that question has been up, and how it stands. I see in one of your reports that you make reference to it, that you would like to be able to do that?

A. Yes, sir; it is a fact that the boys in the institution, as it has existed, have had for their occupation bottoming chairs. In the summer those in the trust-houses work more or less on the farm; but we have no means of teaching them trades and giving them knowledge of a profession which shall enable them to support themselves in after-life. We have asked the State to give us means of doing it. The State has at last granted that aid, and we hope we have now the means of assisting the boys in that direction; but the State seemed to blame us for doing years ago what we propose to do now, and what they have granted us the means of doing now.

Q. Well, now, when you get your new erection there, which is to be opened in two or three weeks,—when you get that in operation, do you understand you will have facilities for teaching these boys more or less of trades?

A. Yes, sir; that is what we expect; we have been laboring to that end.

Q. (By Mr. LOWE.) That furnishes employment for the incorrigible boys only, as I understand it?

A. Yes, sir.

Q. (By Mr. HYDE.) Now, take the other class of boys, which are the better class of boys; when your new building is all completed—they are all sentenced for their minority?

A. Yes, sir.

Q. As the State has enabled you to make out a part of your system so that if they are willing they can learn a trade which will enable them to get a livelihood after they leave?

A. No, sir; no further provision is made than is made by the enlargement.

Q. But in the enlargement you do not propose to transfer any but the incorrigible boys?

A. No, sir; I will say, however, that the trustees have investigated this subject at various times. We have endeavored to introduce, among other things, printing, which we still hope to be able to introduce. We are discouraged by some of the leading men engaged in that business when we consult them about it. One gentleman of this Committee encouraged us, and said it would be a very great thing; but now he discourages us in regard to it. So we have not settled upon the trade we shall introduce there, but we have the subject constantly under our investigation.

Q. For what are called current expenses, you are limited by an appropriation from the State, I suppose?

A. Yes, sir. Year after year we are asked to state what will enable us to run the institution another year as it has been run in the past.

Q. Now, when you have got the separation there which the new building will give, you hope to do better for the whole class of boys than you can do in the old buildings?

A. We hope to do very much better, sir. We think that our efforts have been neutralized, and that we have been poisoned by this incorrigible class that has been poured in upon us and against which we have protested. We hope when we move that class and have the reform class left, we can remand that part of the institution at least to the Lyman idea, and conduct it upon that idea.

Q. (By Mr. HARTSHORN.) Yesterday, you mentioned, that the boys had access to the trustees. I would like to inquire if they have been informed of that fact, and if so, how they have been informed?

A. Well, sir, they have been informed in the same way you would be informed, if you came into this room and saw a dozen or twenty men running up to me, speaking to me, and having perfect access to me. You would be informed, as an individual in the room, that you had access to me. You would see that no one was refused, and, therefore, you would be informed, if in no other way, that you had access to me:

Q. Have they been distinctly informed on that point?

A. I do not think the boys have ever been told formally that they had access to me; but I go into the yard, and they flock around me in dozens, asking me questions. One boy comes and asks me this question, and another asks me that. A boy sends me a note at the village, that he wants to see me. I inquire at the office for the boy, and meet him. The trustees go through every part of the institution. They ask no questions; they knock

at no door; they ask permission of no officers; they are admitted into every department, and they go there as their right and duty. Every boy in the institution has an hour when he can leave any of his duties to converse with the superintendent.

Q. Is it customary for the trustees to inform the officers just coming into service, that the stories of the boys are not to be believed?

A. The trustees issue their orders to the institution through the superintendent always. We do not take the subordinate officers and make confidants of them. If we have any advice to give, it goes through the head of the institution.

Q. (By Mr. ALLEN.) What he means is whether you give the order through the superintendent?

A. Most certainly we do; he has quarterly and fortnightly consultations with us in regard to the matter; I am summoned from the village frequently to come up and consult with him in regard to the management.

Q. You do not understand. Mr. Hartshorn's inquiry was whether you instructed the officers that they were not to take the stories and complaints of the boys?

A. No sir, the superintendent knows more about the boys than the trustees do; they would be very foolish to make any such suggestion.

The CHAIRMAN. You are excused, Doctor, for the moment.

Dr. HARVEY. Am I excused for the day?

Mr. WASHBURN. Let Mr. Allen and Mr. Hyde settle that.

Dr. HARVEY. I hope I shall not occupy the attention of the Committee the remainder of the week.

Mr. PRESCOTT. If you find that strap, don't forget to send it down to the Committee.

Mr. ALLEN. You can send one up like it, you say?

Dr. HARVEY. Yes sir.

Mr. WASHBURN. I take this opportunity to make a motion. It will be remembered, in fact it has been an open secret, that during the progress of the consideration by this Committee, of the subject intrusted to them by a former order of the House, instructing them to make inquiries into the recent disturbance at the Reform School, certain written charges or statements were presented to the Committee, on which evidence was heard, and the evidence upon which contributed to the conclusions to which the Committee came. After evidence had been received, the Committee requested the gentleman, who had the charges or statements in his possession, to leave them in the possession of the Committee, in order that they could properly be incorporated in the report made to the Legislature. That gentleman declined to leave those statements in the hands of the Committee. He was then requested to allow the Committee to take copies of them, in order that the business of the Committee might be properly discharged, and he still declined. It was proposed that the Committee should vote that these statements or charges be left in the charge of the Committee for the purposes indicated by them. Whereupon a statement was made—and I do not question it—by the gentleman of the Committee who had the papers, that he had received them in

such a way, that he should feel that his honor was compromised if he should leave them in the hands of the Committee, or should allow them to take copies of them. The question, therefore, being upon the passage of such vote, I took occasion to say, that I could not bear to vote to compel a gentleman to go back upon his word of honor, though the Committee felt, that in justice to themselves and to the subject intrusted to them, they ought to have the charges. Of course all the members of the Committee said that we ought to have the charges, and know what they were talking about, so that it could be presented in its true light. Notwithstanding the importance of the subject, and the earnestness of the request of the Committee, I felt I could not vote, and I said I would rather take my chance of being misunderstood for a time, than to vote to compel the gentleman to go back upon his word of honor. Therefore the Committee, in making up their report, had no charges before them, and they could only state, as they did state, and as I had the honor of stating in the House, that certain statements had been made, and the Committee had failed to find evidence in support of them. The honor of this Committee—the stainless honor of this Committee—was assailed upon the floor of the House of Representatives, and the gentleman, to preserve whose word of honor the Committee had taken such pains, sat silently there and saw it assailed and said not a word. Now, I mention these things by way of induction, and by way of introducing the proposition I am making, in order that the members of the Committee can see the great propriety of passing the vote which I will have the honor to read in a single moment. Not to renew any controversy, not to make any hard feeling, not in any way but in the simple discharge of official duty, I propose to submit, Mr. Chairman, for the action of the Committee, the following vote, in order that now that the light has been allowed to flow in upon this subject, we may have full, free, and conclusive light upon it:—

"Whereas, at a previous hearing by this Committee on the subject of the recent disturbances at the Westborough Reform School, certain statements in the nature of charges against the management of said institution were made in writing, upon which statements or charges evidence was received by the Committee; and whereas, after hearing said evidence, the Committee requested that said statements might be placed in their possession, in order that the allegations and their conclusions thereon might be properly presented in the report of the Committee; and whereas, the person having possession of said statements or charges refused to allow this Committee to retain them, or to make copies of them, though thereto earnestly requested; now, therefore,

"Resolved, That Charles J. Prescott, Frank Hinckley, and Henry M. Hartshorn be notified to file said statements or charges with the clerk of this Committee before or on March 30."

The CHAIRMAN. Gentlemen of the Committee, you hear the vote offered by Mr. Washburn, the Chairman of the Committee on the part of the House. Are you ready for the question?

Mr. PRESCOTT. I would like to say a few words on that point. Soon after the outbreak of the boys at the State Reform School at Westborough occurred, an order was put into the House by Mr. Bird, ordering this Committee to report in regard to the cause of the outbreak. Some

days after that order was introduced, certain statements were made to me by a member of the House, who sits next to me in the House; I refer to Mr. Hartshorn of Malden—for I have nothing whatever to conceal—certain statements were made to him in regard to some abuses there in the institution. He showed me at that time, or at some subsequent time, some statements that had been presented to him by Mr. Hinckley, who was connected with the institution in the position of farm officer. Those statements were not in the nature of charges. They were not signed by any one. They were mere sheets of paper with memoranda upon them. I asked him if he was willing the papers should be put in my possession. He was not willing at that time, but at a subsequent time he told me I might have those statements as an aid to the investigation of punishments in the institution. That, then, was the real cause of the beginning of the inquiry in regard to the punishments in the institution. That was the first thing—the first note that was struck; the first hint that any member of this Committee, or that I, received, that anything in the institution was not as it should be. One thing led to another. Subcommittees of this Committee went up to the institution. They have had a score of boys before them; they have seen the boys in the institution; they have seen the boys at Worcester; they have seen the boys who have been brought from Fitchburg, and they had got on as far as they were able into the matter of punishments in the institution. They formed certain opinions. They did not form those opinions from statements made in writing by Mr. Hinckley, or by any officer of that institution, but they formed their opinions from what they saw with their own eyes and heard with their own ears; and that is the reason that some members of this Committee have believed that the punishments at this institution are injudicious and unnecessarily severe, and not upon a statement made by Mr. Hinckley and furnished by Mr. Hartshorn; but as it was hinted in their statements that there were some things that were wrong there, the Committee were led to investigate. There are no direct charges in writing on one point or another. There are memoranda—blank pieces of paper—put into my hands, and I took them to the Chairman and told him what statements had been made to me. This thing, as I say, led to the investigation of other affairs connected with the institution. We made our report. Then the matter was sent back to us, and we were ordered by the Legislature to inquire whether any legislation was necessary in regard to the matter of discipline in that institution. I, for one, thought the Committee had seen enough to warrant them in bringing in some legislation in regard to the discipline in that institution. I did not think it was necessary to go through this investigation again. I was sorry that it should take three or four weeks of the time of the Committee, as it seemed to me the time might be better taken up in other matters before them. The Committee had seen enough out there, I say, to warrant them in reporting some legislation to the House, and I for one was against any further investigation; for I thought we had had enough from the trustees, from the chairman of the board, who came to the committee-room and asked for a full investigation of the matter of dis-

cipline in the institution. It is upon that that we are to go to the Committee, and it is upon nothing else. I have felt there was some honor in this matter; that these slips of paper given me by a member of the House I had no right to put before this Committee as direct charges. They were the key-note of the investigation; but it is not upon these charges wholly that this investigation is based. This Committee as I suppose, if it is to do things in this way, are going to examine the officers, the clerk, the superintendent, Mr. Bigelow and Mr. Rawson and some others, and they are going to have before them boys connected with the institution, and when they get through that examination with the officers, and hear the statements of the trustees and the statements of the boys connected with the institution, then we shall be at a point where we can say to the House whether any further legislation is necessary in regard to the matter of discipline at the Westborough Reform School. Nobody has made direct charges in the nature of charges. I simply state for one,—and I state I know what is the opinion of nearly every member of the sub-committee who has been there at Westborough,—I state there is a condition of affairs that ought not to be allowed longer to exist. I do not come here with any direct charges, one way or the other. The chairman of the trustees came in to the committee and asked us to make a thorough investigation. Now, let us go on with the investigation of the superintendent and other officers, and when we get through, let us report the whole thing to the Legislature, if they want it. As for my putting into the hands of the Committee and of the counsel who have come here in defence of the institution, any such papers as direct charges, when they are not signed by anybody, I do not propose to do anything of the kind. It is entirely immaterial what vote this Committee may pass in the matter. When I have papers put into my hands by a member of the House as notes, as hints, or as suggestions of an investigation here, I shall hold those papers secret until I get the permission of that gentleman to put them in here into the counsel's hands in the nature of charges. That is my position exactly in that matter. I take this view which I have stated in the committee-room heretofore, after consultation with the member himself. I might as well ask certain members of this Committee who have received communications, perhaps from somebody connected with the institution, from some trustee of the institution, from the superintendent, or perhaps from Dr. Harvey,—I might ask them to give me those statements, and all that sort of thing, to put in here before this Committee. Let us go on with this investigation. Here are the trustees who, through their chairman, ask the fullest investigation. Now, let us go on independent of any statement of Mr. Hinckley or of Assistant Superintendent Phillips, which you may have heard heretofore. Let us do what the Chairman said yesterday we are here for, begin the case *de novo* and continue this examination. That is my position in the matter, and I mean to take no other position.

The CHAIRMAN. I wish to state, however, as Chairman of the Committee, that I most strenuously urged that these charges should be filed with the Committee before we concluded our investigation. I desire to

say that while these papers were considered private by Mr. Prescott substantially, these charges have appeared in the public prints since that time. I hold in my hand a copy of a paper published in Massachusetts containing almost the identical charges which Mr. Prescott received, and which he now calls his private personal property.

Mr. WASHBURN. The exact point is this: Not to exclude anybody,—not to exclude everybody,—but to include everybody and everything under the sun that can be brought against this institution. There is the whole point. I have not got a paper; nobody has mistaken me for the attorney of this institution; nobody has handed me any memoranda,—neither Dr. Harvey nor Col. Shepard; not one scrap of paper have I had, and no conversation do I have, on this subject, except in public or with persons disinterested. My motion, Mr. Chairman, is one which calls for light, and, therefore, for the vindication of everybody that ought to be vindicated, and for the condemnation of everybody that ought to be condemned; and that is the whole scope and substance and tenor of my proposition. Not, Mr. Chairman and gentlemen of the Committee, that we should have a beginning and go part way and then stop, and then take back something that has been controverted; not that; but, having an opportunity for the first time, at the full and unmistakable request of the Legislature, to investigate this matter, we should go to the very bottom, if it takes us all the spring I was about to add the memorable phrase of a United States president, "If it takes all summer." The suggestion, that this may take a long time, does not frighten me a bit. The people of Massachusetts are not going to be disturbed; for we are doing their work on a salary, and they are not going to pay us any more, no matter how long we stay, or how much salary we spend; and when I work by the job, I try to work with the utmost thoroughness; consequently, no matter about the time. I propose to go into this thing, and I propose to have Mr. Prescott and everybody who has got anything to say, for or against it, have the freest scope and amplest opportunity. Now, Mr. Chairman, with reference to the gentleman's word of honor: I respect his sentiment, I am sure, and if the suggestion I made a little while ago does not show that, I do not know what can. The motion I made does not say that Charles J. Prescott, Esq., shall put these charges in the hands of the Committee; but it says that Charles J. Prescott, Frank Hinckley, and Henry M. Hartshorn shall together place them in the hands of the Committee. That relieves the point of honor entirely.⁴ Then, if the gentlemen do not see fit to produce them, I do not care; if they think they can stand the onus of objecting, then let them do it. I can stand it, if they can. Absolutely disinterested, purely judicial, seeking right, I am willing to receive anything which will throw light upon the subject.

Mr. PRESCOTT. Will you excuse me a moment?

Mr. WASHBURN. If you will pardon me, I will not give way. It seems to me, Mr. Chairman, the proposition is perfectly fair and clear, and should commend itself to the good sense of the Committee. I will only add one word; it has been suggested that these are not charges. I say these are statements in the nature of charges, and I say, if it is necessary in the interest of truth, they were charges, and nothing else; and let me

say they have been, since the report of this Committee to the House, advertised in the newspapers as charges, under the name of charges, and if I mistake not, I saw a Westborough paper in which the column was headed, "Charges preferred by Frank Hinckley before the Committee on Public Charitable Institutions." To what end, to what end, Mr. Chairman? To show that after the magnanimous course of this Committee, the Committee had undertaken, while charges had been preferred, to ignore them, so that it became necessary to publish them in the newspapers under this head, as a supplement or statement of charges in behalf of Frank Hinckley. Now, these are the fruits; I challenge the light. In a judicial capacity, I call upon what may be called the complainant, and I call upon this institution to furnish to the Committee every ray of light on the subject, in any phase or shape they can collect. That is all; I do not know that I need to say more.

MR. TOMPKINS. I will say, in answer to the hint thrown out here, that we did not have an incentive to the first investigation in this matter. Every gentleman of this Committee remembers well the conversation we had before we entered into it in detail. We know that there were certain hints thrown out, which we afterwards found originated in certain charges, anonymous or otherwise, in these papers. I happened to be, sir, by your direction, one of the sub-committee who went to Westborough and examined all these boys, and occupied the time from six o'clock in the evening until quarter past three the next morning. The gentlemen were patient in taking down notes. They sought all the light they could get, and they got all the light they could get. We took these boys, examined them, and brought down the evidence. Then we consulted together in Committee four days. It was days before we finally made up their report. What has been the result of it? We have had charges thrown against us that we have been whitewashed; and sir, I feel that the honor of the Committee, or, as the Chairman on the part of the House calls it, the stainless honor of the Committee, has been assailed. The report we presented to the House was signed by every member of the Committee except one; and it was honestly agreed to make the report after due and careful consideration. Now, are we to stultify ourselves? I think not, Mr. Chairman. I think, sir, we are working in the dark, and I propose to work in the light. We have been acting, as it seems to me, far different from the course that you have in a court of law. We have no charges here. We want them. They have been made in the first examination, and we want them now. I care not, as I said before, whether they were anonymous or otherwise. I shall have to vote for the motion offered by the Chairman of the Committee.

MR. LOWE. This seems to be an opportunity for ventilating views, and as a member of the Committee, I will say I do not see any reason at all why this anonymous communication, which merely led to this investigation, should be produced here. It seems to me that if we know, or have suspicion that a burglary has been committed in a room, and wish to make an investigation, it matters not whether we preserve the key by which we get in or not. I was one of a sub-committee which was appointed by the chair to go up there and make an investigation. We

went there, and we labored from ten o'clock in the morning until eleven o'clock at night, and examined the officers and scholars. The trustees, not being satisfied with the boys we called in, we told them to bring in any boys they chose. They brought in every one they desired to, and we investigated them. We satisfied ourselves that certain facts had come to our knowledge which ought to be put in the report. The order did not call for any statement with regard to the management of the institution, but simply with regard to the riot; but the result of the investigation was that the whole sub-committee thought it to be their duty that something should be said, and two of the committee would not report until it had been put in; that in some cases the punishments were injudicious and unnecessarily severe. It was not until this was put in that any of the members of the sub-committee would sign the report. Two did, and one did not. Now the subject comes up in another form, and we are beginning anew, *de novo*, and I will state I cannot see any more reason for admitting these anonymous charges or statements, than for preserving the key to a room in which a burglary has been committed after we have gained admittance to it.

Mr. TRAIN. I would like to ask if the appointment of this sub-committee was not based upon the very charges that we are asking to have presented to the Committee?

Mr. LOWE. I say they were; but anything else might have occasioned it. What is the use of the key after you have got into the room.

The CHAIRMAN. I wish to state it is very evident that the sub-committee of three claim that the report was made up and based upon information which that sub-committee of three obtained at Westborough; while the majority of this Committee—eight of it—claim that the report was made up after hearing flagrant charges, although not signed, put in writing and presented to this Committee, taking not less than three or four days in investigating them before this sub-committee went to Westborough at all.

Mr. PRESCOTT. Will you allow me a word?

The CHAIRMAN. Not at present. Further, I wish to say in regard to these charges, that while they were the personal and private property of a member of the Committee, they soon after appeared in print substantially the same as they were put before the Committee; and while they were in the opinion of a majority of the Committee entirely disproved, in the House of Representatives these charges, substantially, were given forth as facts pertaining to the Westborough institution. Now, we come again to take up this question entirely anew, and we ask as a Committee,—the majority of us,—that these charges shall be forwarded, from whatever source they may come. The doors are wide open, and we ask, as a matter of right, that the charges that were first made to the Committee, that were of the most flagrant character, and that were spread broadcast, shall be presented here; that vote is to obtain them, and I shall put that vote to the Committee within five minutes.

Mr. PRESCOTT. Suppose, Mr. Chairman, I should want to talk a little more than five minutes.

The CHAIRMAN. Then you will have the opportunity.

Mr. PRESCOTT. It appears to me there is a great deal of feeling

brought up in this Committee on a very small matter. When we were first instructed to report in regard to the outbreak at the Westborough Reform School, no member of the Committee, that I know of,—certainly no member on the part of the House,—ever knew that the punishments up there were what they should not be. Our Committee had made a report to be read and put in. That report stated that the trouble was on account of some of these incorrigible boys, and this was their last desperate effort to escape from this institution. We got that entirely from the superintendent, and from what the trustees told us. We asked these gentlemen, or one of them at least, in regard to the punishments at that institution—I did myself—not knowing anything at all in regard to the punishments; we asked it as a casual question, "What are the punishments of this institution?" They mentioned certain punishments. They mentioned some, and they forgot to mention others. Nothing at all was said with regard to any sweat-box connected with the institution; nothing was said with regard to the punishment of boys by pouring cold water upon them. I happened to come incidentally in possession of some information in regard to these facts. I brought them immediately to the Committee, and told them, that before the Committee reported to the Legislature I desired to investigate still further. We did investigate; we did not confine our investigation, however, to the statements made, but we made our investigation by sending sub-committees to this institution. If there are no charges to meet, I think the sub-committee, if they were not sitting here as jurors, might be willing to make some charges. I think, for one, I would be willing to make charges that the punishments in that institution had been injudicious and unnecessarily severe; that they had been inhuman and brutal at times,—and I do not make that charge by any statement made by Mr. Hinckley. I did think that there was a certain sense of honor about the publicity of the statements that led into this inquiry. But we had an investigation which was an investigation with the boys before us; that it seems to me was what we based our opinion upon, and not any loose statement made upon scraps of paper, not signed by an officer connected with the institution. I felt very much embarrassed in the matter, because it seemed to place me in a false position; but I felt my honor as a gentleman prompted me to keep these statements until I had authority to make them public. Since this discussion arose, Mr. Hartshorn, of the House, has stated to me, that he has no objection whatever to these papers being placed in the possession of the Committee. I shall, therefore, immediately place them in the possession of the Committee; but I want it distinctly understood that that is not what we are acting upon. The chairman of this board of trustees has come and asked us for a thorough investigation of that institution, and, as far as I am concerned, he shall have it. Whatever papers were presented to me, first by Mr. Hartshorn, of the House, he having received them from Mr. Hinckley, who is connected with the institution, I now present to this Committee, having for the first time received the consent of Mr. Hartshorn that I might do so.

Mr. DAVIS. I wish to say just one word. There has been a great deal

said about unfairness in this matter of not having these papers. I desire to say here, that I never, as one of the Committee, have even seen these papers myself. I think I only echo the sentiment of every member of this Committee, when I say I have never seen in writing, or in any other way, any portion of them.

Mr. TRAIN. Is the gentleman addressing the Committee or the House?

Mr. DAVIS. Mr. Chairman, if I am out of order, I would desire to be called to order; but if not, I do not propose to be insulted.

The CHAIRMAN. The gentleman will please address the Committee.

Mr. DAVIS. I think I stated fairly and squarely the sentiment of this Committee, that I, through you or anybody else have never seen one word in any way of these statements that have been referred to. Not a word. It was a matter I considered entirely between the Chairman and Mr. Prescott. I never asked to see them.

Mr. TOMPKINS. But you were present when they were read.

Mr. DAVIS. My judgment has not been made upon any such statements such as have been made. I stand as ignorant of these papers to-day, except as they may have been read by Mr. Prescott, and referred to by others, as any man in this room. I have never seen a word of them, and I want to state it here, so that everybody will understand it after I have stated it. I want to be put right about this whole matter of harping upon these papers. It is right to ask that we may have them before us; I think they ought to be, but it is not what has formed my opinion upon this matter,—not at all. One thing more; we stand here impartial. Mr. Chairman, I want it understood that as a member of the House of Representatives, I am investigating the institution to see that it is properly conducted in all its departments. I am investigating the condition of the boys, to see that they are made to behave well, and controlled and properly disciplined, or whether or not they have not been properly disciplined, and whether or not the punishments have been not only injudicious and unnecessarily severe, but if they have been brutal; and whatever the result may be, I do it entirely in a spirit of fairness to the institution, to the boys, and to the people of the Commonwealth—nothing else.

Mr. WASHBURN. I call for the vote, Mr. Chairman.

Mr. HARTSHORN. Mr. Chairman—

The CHAIRMAN. This is a matter for the Committee to settle. Mr. Davis has truly stated that he never has seen these papers; the members have not seen them, because Mr. Prescott declined to put them in the hands of the Committee. The question is upon the vote.

Mr. PRESCOTT. If I can be allowed to say a word in regard to the statement you make it, may save a great many words. I desire to ask you if, the very next morning, I did not sit down with you and look them all through and present them immediately to you? If there is to be any misunderstanding about this thing, I want it cleared up. I have stood on my honor as a gentleman here. I have heard some statements made, "If you have got anything against the institution, why do you not make charges against it?" How are we going to make them until we get in there and find out the condition of things, I should like to know. Some-

body says: "Prescott, these charges of Mr. Hinckley—he is liable for criminal prosecution," or something of that kind. A gentleman puts these papers in my hands. He has made no investigation; the statement is no official document, made in proper form. Mr. Hinckley is coming before this Committee, and when he comes I hope these sheets will be taken and these statements read, and he will be asked what proof he has to give of them. I hope the investigation will not stop there, but that we will go on. And now, Mr. Chairman, as these papers have been presented to this Committee,—and for myself, I now feel that for the first time I have the consent of Mr. Hartshorn to present them,—I desire to ask whether there is any necessity of passing a vote to be published in regard to the demand of certain papers from me which would seem to place me entirely in a false position. I have got nothing but what I desire to present to this Committee. Now, it seems that the Committee are more desirous, or some of the Committee are more desirous, to secure loose statements made upon paper, than they are to obtain positive testimony taken by three members of this sub-committee, written down by themselves, and which it was proposed to put in here yesterday, and the Committee said, "No, we do not want it." They said, "Let us have the boys." Now, I say, let us have the boys; let us have the officers, and everything.

Mr. HARTSHORN. As this is a public hearing—

The CHAIRMAN. You will be heard at the proper time, but not while this question is under consideration. In answer to Mr. Prescott, I will say,—for I do not desire to place Mr. Prescott, or any other member of the Committee, in a false position,—Mr. Prescott did show me these charges which I hold in my hand. They are not loose statements; they are charges.

Mr. PRESCOTT. Is the word charge on the back of them?

The CHAIRMAN. The word "charge" is not on the back of them; but if any gentleman here, or any member of this Legislature, should read them and say they were not charges, I should consider him insane.

Mr. HARTSHORN. I would like to be heard before the vote is taken.

The CHAIRMAN. At present this is a matter the Committee are discussing among themselves. This was read by myself exactly as was stated. This statement the Committee desired to have left as their property before their report was concluded; it was strenuously objected to because it was the private property of Mr. Prescott, and that vote was not pressed. But in consequence of their being published in the public press, the Committee felt they were placed in a false light.

Mr. PRESCOTT. As gentlemen may infer from that statement that I refused to give them, and that they were afterwards in the public press, I desire to state I have never published one single word in the public press in regard to this matter, although I have been importuned by the representatives of several newspapers in this city and elsewhere. Any statements of Mr. Hinckley have been published entirely without my knowledge, and without my having anything to do with it whatever. I want no misapprehension on that matter.

The CHAIRMAN. The question is upon the vote offered by Mr. Washburn. /

Mr. LOWE. I wish to enter my protest, and to have it reported that when the gentleman has given these papers to the Chairman, we ought not to be called upon to make a personal matter of it, and pass a vote that he shall do what he has already done.

The CHAIRMAN. I will not press the vote until the question is decided.

Mr. DAVIS. Mr. Chairman, I feel as though this was forcing things. It is entirely useless to do it, and we do not want anything in this Committee but a spirit of perfect friendliness and sincerity; consequently, I hope this vote will not be pressed.

Mr. LOWE. I hope the mover of the motion will withdraw it.

Mr. WASHBURN. When this excitement has somewhat subsided, I will state that an object which never could be accomplished before this motion was introduced, has now been accomplished. I desired the production of these papers, and I introduced a resolution to that effect; it has resulted very healthfully; in fact, I am perfectly satisfied, and I will not ask to have the vote passed.

The CHAIRMAN. The motion is withdrawn.

Mr. HARTSHORN. I would like to say one word. As far as I myself am concerned, I have not had the slightest objection to presenting these papers. They were simply memoranda of conversations; nothing more nor less than that. When Mr. Prescott asked if he might make them public, or what would amount to that, lay them before the Committee, I simply declined because I had not the permission of Mr. Hinckley to do it. I had not seen Mr. Hinckley, and I did not ask for that permission until yesterday, and Mr. Hinckley told me he had no wish to keep them secret. I wish it understood that there has been no feeling on my part against presenting them to the Committee. Mr. Hinckley will be before the Committee and can speak for himself.

Mr. TOMPKINS. You did not cause them to be published?

Mr. HARTSHORN. Not at all, sir.

The CHAIRMAN. The Committee is ready to proceed.

Mr. HYDE. I believe the Committee summoned certain parties to be here to-day; as they are all strangers to me, I do not know whether they are present or not. I would suggest, now that the Committee has possession of the papers, that they ought to have such witnesses as were summoned.

The CHAIRMAN. Do you wish to go on?

Mr. HYDE. Not unless the Committee prefer, as the hour is so late.

Mr. ALLEN. Mr. Hyde desires to know what witnesses are present. I suppose it would be well for all parties to know who are present.

The CHAIRMAN. Mr. Phillips is here, and Mr. Chase and Mr. Leach. We have also the physician's certificate that Mr. Hinckley is not able to be here to-day; but I understand he will be able to be here within a few days.

Mr. ALLEN. If it is deemed proper and consistent by the Committee, that the papers should be read as evidence, I should like to hear them. I have heard of them before, but I have never yet seen them.

Mr. PRESCOTT. I am perfectly willing any papers, of course, might be read; but I do not mean to have it understood that we are commencing this investigation with certain specific charges, made in due form and signed, or that we are to act upon these charges and to be confined to them. The opinion I have formed on the matter of discipline in that institution, has not been formed upon these statements. I am perfectly willing these should be read, and if there is no objection, I hope they will be read at the present time.

Mr. ALLEN. I will try not to interfere with the business of the Committee any more than I can help, but I understand this investigation is made by an order offered in the House by me. At the opening of the hearing, the Chairman of the Committee stated that whatever had been previously done was past and gone; that no testimony taken at the recent hearing would be considered as testimony here until brought in anew, and that the whole matter was considered a new matter, and that all testimony should be testimony *de novo*. I want the letters read, simply for information, and unless otherwise advised, I shall assume that the Chairman was correct when he stated that the investigation was a new one, simply to inquire into the discipline of the State Reform School at Westborough, and whether any or what legislation is necessary thereon.

Mr. WASHBURN. It is half-past twelve.

Mr. ALLEN. Let us have the papers first.

Mr. WASHBURN. Let Mr. Allen and Mr. Hyde look them over after adjournment.

The CHAIRMAN. I will state that the Committee will meet in the green room to-morrow morning at ten o'clock.

Adjourned.

THIRD HEARING.

THURSDAY, March 29, 1877.

Senator DENNY in the chair.

Mr. ALLEN. If it is agreeable to the Committee, I would like to have the papers which Mr. Prescott, a member of the Committee, furnished to the Committee, read.

The CHAIRMAN. I was looking for them at this moment. Previous to commencing upon that, I would like to ask Dr. Harvey to answer a question which I will put to him, in continuation of his testimony yesterday. Dr. Harvey, I want to ask you a question which I will put to each one of the witnesses that testifies in relation to the punishments at the Westborough Reform School, and this is the question: Do you know of any punishments, by flogging, at the Westborough institution, which you consider brutal or unnecessarily severe, excepting the cases of flogging by Rawson, which you testify you did consider injudicious and unnecessarily severe?

Dr. HARVEY. I did not testify that I considered these punishments were unnecessarily severe.

Q. Then, with the exception of the punishments by Rawson, do you know of other cases of flogging which you consider brutal and unnecessarily severe?

A. At any time?

Q. At any time.

A. Since my connection with the institution, I have been called to the institution at various times to investigate boys who had been punished, that a note might be made of the case. Previous to the present administration, under Mr. Allen, I was called several times in like manner; there were two or three cases that, in my judgment, and in the judgment of the then superintendent, were unnecessarily severe. I knew at that time the whole circumstances under which they occurred.

Q. Do you know of cases since the present superintendent has been at the head of the institution, excepting that of Rawson?

A. I have been called to the institution by the present superintendent in two notable cases. One of them was the case of the boy Watson, which, by the way, is not a case of flogging—I refer now to the cases of flogging as a punishment. In the case of the boy by the name of Kelly, punished by Assistant Superintendent Phillips, it was supposed to be a case of severe punishment, and where there was a question of veracity between the boy and the officer. I was called in and investigated the case. I was satisfied that the boy was lying to me, just as he had lied to the superintendent in regard to it, and that under the circumstances the

punishment was not blameworthy. I do not recall, the present moment, any other case.

Q. (By Mr. HYDE.) Well, his question, Doctor, is whether you know of any case coming to your knowledge where the punishment has been injudicious and unnecessarily severe? As to the Rawson case, there is no difference of opinion about that.

A. No, sir; that was testified to yesterday. I cannot recollect any other cases.

Q. (By Mr. ALLEN.) How was this boy Kelly flogged? Upon what part of his body, and to what extent?

A. The boy Kelly was for some misdemeanor punished—

Q. (By Mr. HYDE.) Do you mean Kelly or McGee?

A. If I said Kelly, I meant McGee. He was punished, but to what extent and for what cause I cannot tell you at this moment. It can be introduced by other witnesses.

Q. (By Mr. ALLEN.) What was the extent of his punishment?

A. The reason of my being called was that the boy showed evidences of injury upon his face, both eyes being black and blue. The superintendent called me to inspect that case on account of the injury thus appearing.

Q. You are not answering my question, sir. My question was simply this: What was the extent of this punishment?

A. I said, sir, it was all on his face.

Q. Won't you answer my question?

A. I should state particularly that he had been punished upon his face; but in my investigation, I found that the boy's punishment upon the face was not by the design of the superintendent, but because the boy refused to take his punishment in the ordinary manner, upon the seat and upon the thighs, but squirmed about in such a way that, while the superintendent was punishing him, the strap accidentally struck him in the face, and caused the discolorations.

Q. Did the superintendent want him to take off his pants?

A. In the struggle he struck him in the face. I do not understand that the superintendent wanted him to take off his pants, but I did understand that he was punishing him on that part of the body, and accidentally the strap struck him upon the face.

Q. Don't you know that the assistant did make him take off his trousers?

A. I do not know that.

Q. Were you not so informed?

A. I don't know that I was so informed. I do not think I was. It may have been so, but I do not remember that I was so informed. The particular point I was called to investigate was the punishment on the face.

Q. Well, you have not yet answered the question of the Chairman; but I want to ask you one. Do you not consider the punishment of a young man twenty years old, causing him to take off his trousers and strapping him across the back, is brutal and unkind?

Mr. HYDE. The Chairman asked him that question, and he said he did not,

The CHAIRMAN. I did not understand that the investigation of Dr. Harvey was continued. My idea was that after Dr. Harvey, or any other witness, has gone over the ground fully in detail, the question whether punishments are brutal and unnecessarily severe is a matter of opinion. I might decide they were so; another person might decide to the contrary. Now, I wish to have each witness who is on the stand in relation to punishments state whether in their opinion these punishments are brutal and unnecessarily severe. Very likely, before we get through, we will get the opinion of other persons who consider the punishments as stated to be brutal and unnecessarily severe. Consequently, I have asked this question in this direct form,—it having been omitted yesterday,—whether he so considers these cases of punishment, with the exception of the Rawson punishments, were unnecessarily severe. The Doctor could say yes or no, and that would answer my question. It is only a matter of opinion on his part as one of the trustees of the institution.

Dr. HARVEY. Is my answer conclusive with reference to that question?

The CHAIRMAN. I will put it so that it will be, sir. Do you consider that, with the exception of the cases of flogging by Rawson, there have been cases of flogging in the institution, under the present administration, that were brutal or unnecessarily severe?

Dr. HARVEY. It has not so appeared to me.

Q. Now, I will ask you whether the punishment by the use of the box, under the present administration, in your opinion, is brutal and unnecessarily severe?

A. I do not consider it so.

The CHAIRMAN. I propose, gentlemen, to ask each witness, so that we will know what they think about that, after we have heard their testimony.

Q. (By Mr. PRESCOTT.) I would like to ask you a question. You say that punishments in the box are not brutal nor unnecessarily severe. I so understand you, do I?

A. Yes, sir.

Q. Is there any limit beyond which officers are not allowed to confine boys in the box? Any specified number of days in the rules and regulations of the institution?

A. I understand that there is.

Q. What are those rules?

A. I understand the vote of the trustees in reference to the strait-jacket covers that point, and have so testified before this Committee.

Q. What are the rules in regard to this strait-jacket?

Mr. HYDE. We will let them be read, Mr. Prescott.

Q. (By the CHAIRMAN.) While the superintendent is looking that up, I will ask you a third question. I have now asked you with reference to punishments by flogging and punishments by the box. My third question is, Do you know of any cases of punishment by the use of cold water which you consider brutal or unnecessarily severe?

A. I do not.

Mr. ALLEN. I now ask, for the information of the Committee and those interested, that the charges presented by Mr. Prescott be read.

Mr. HYDE. The superintendent has found that portion of the records relating to the use of the strait-jacket.

Dr. HARVEY (reading). "Voted, That no boy be put in or kept in the strait-jacket more than 24 hours at a time; and in case of a repetition being thought necessary, there shall be an intervening space of 12 hours before another application."

Q. (By Mr. HYDE.) Do you understand that refers as well to this wooden strait-jacket, so called?

A. We understood at the time that the box was established that that was a sufficient regulation to cover the strait-jacket proper and this substitute.

Q. (By Mr. DAVIS.) Will you please tell me when that vote was passed?

A. January 9, 1873.

Q. Well, it is perhaps immaterial, but as you have testified that this sweat-box, or, as you call it, the wooden strait-jacket, was placed in the attic, in April, 1875, I would inquire if there has been any rule adopted relative to that?

A. I am willing, Mr. Chairman, to state these things over and over again. I have stated this to-day; that we considered this regulation the only regulation pertaining to that, and as covering that case.

Q. (By Mr. ALLEN.) Is there any vote to make it cover the case of the box after it was put up?

A. There is no vote; that is, I am not aware of it.

The CHAIRMAN. As requested by Mr. Allen, I will read the statements which were presented to the Committee, and prepared, I have no doubt, by Mr. Francis Hinckley, with reference to the punishments of the institution; and after reading these, I will ask Mr. Hinckley to come forward and testify in relation to them. I cannot read them in any particular order, because they are not numbered.

The boy Watson, who was transferred to Bridgewater last spring, was beaten about the head several weeks before he was taken from here, so that he hardly looked like a human being. The skin was broken in several places on his face and head, and the bruises were so black and swollen that he was a horrible sight to look upon. His friends could not have recognized him. Boys from the institute say that *beefsteak* was applied to his bruises to remove the discoloration before he was taken to Bridgewater. Mr. or Mrs. Armitage would know about the latter. I saw Watson after he was pounded and put in the lodge, where he was kept for, I don't know how many weeks before he was sent away. His offence was resisting punishment by the teacher of the first school, Mr. Wheatley. The latter seems an unfit man for his place, and his prolonged stay here is quite unaccountable, except on the theory that he has some secret hold on the superintendent. Perhaps he writes some of the many puffs which appear for the latter in the papers. It is known that some of them at least go from the office of the institute. I understand that Watson was pounded over the head with a chair.

Thomas Gartland, 19 years old, was found hanging by the neck and dead, in his cell in the lodge, on the 14th of January, 1876. The previous

day he made some disturbance in the school taught by Mr. Rice (who now teaches the high school in Shrewsbury), and was put in the lodge. Saturday P. M. he was taken out and bathed; from the bath-room, naked (as say the boys), into the school-room and flogged black and blue. Then returned to the lodge with the promise, by the superintendent, of another flogging. When next seen the boy was dead. No inquest was held. But fearing one, beefsteak was applied to his back to remove the marks of the flogging,—so say the boys. Wm. A. Hays had charge of the lodge at the time, and cut the boy down. Mr. Hays and Stephen Armitage, who, with his wife, have the care of the hospital, would know the facts in the case. Wm. T. Scott of Lynn was assistant superintendent at the time this boy was driven to suicide, and would know many facts about matters at the institute.

Goss, Turner and Quinn escaped from the institute on Sunday, March 5, 1876; were captured same day, and put in lodge without clothing, where they were kept six weeks. April 2d they were drenched by the superintendent for making a noise during chapel service. He used a four-inch hose, through which the water was forced by steam-pump with great power, the boys screaming and crying for mercy. Then they, or some of them, were put in a strait-jacket and gagged, and kept in the dormitory for a while, then returned to the lodge—nine weeks altogether in lodge. Quinn was in the late riot, and is now in the house of correction.

Leach Clark, now of Rowley, had charge of the lodge while these boys were there, and would tell the facts, probably.

Fitz-Gibbons was flogged by the superintendent in his private office, while I was in the public office; I counted forty-two blows. The boy screamed at every blow at first, but only faintly moaned at last. H. L. Chase, clerk, told me that was only one of three floggings the boy got for the one offence, and that he was flogged until he fainted. The offence was taking keys from Mrs. Moore in the dining-room, with the intention of making his escape. Fitz-Gibbons was subsequently sent to the house of correction for this offence, with the boy who aided him.

The sweat-box is an upright box which fits the body so closely when the door is closed upon a boy, that it is impossible for him to change his position. He is obliged to stand perfectly upright with his arms by his side, and can move in no direction. A slight opening through which to breathe is the only chance for light or air. Assistant Superintendent Phillips told me last eve that he had taken a boy out of the box, who had been in three hours, from whose hair the sweat was dripping, and whose clothes were soaked with perspiration. I asked how long he had ever known a boy to be kept in the box; he answered, "Four days." Of course he was taken out nights, or he would have died. Other officers beside Mr. Phillips can tell about the use of the sweat-box. This seems to me like torture that would either kill or cure or make desperate.

The **CHAIRMAN**. These are the memoranda which the Committee had before them in the previous investigation, and, as was stated yesterday, are the basis upon which they continued a prolonged investigation in reference to the cruelty of the punishment in the institution at Westborough.

Mr. PRESCOTT. In regard to your statement, just one word—your statement, that these are the basis upon which the investigation was held heretofore, and upon which certain charges were made in the House—I desire to correct any false impression that may be deduced from that; these statements were really the key that induced the Committee to investigate the affairs of the institution. The statements which have been made by myself and by others in the House of Representatives in regard to the punishment in this institution are not based upon the statement in these papers, but these papers were the mere key which was the cause of the investigation.

The CHAIRMAN. These statements are statements which were referred to yesterday, and which the Committee earnestly desired to have put in their hands as their property, and which Mr. Prescott thought he could not present to us. They afterwards appeared in the public papers, which were put in the possession of the Committee yesterday, and on which we are to continue the investigation at the present time. Mr. Hinckley will please come forward and be sworn.

Mr. FRANCIS HINCKLEY—*Sworn.*

The CHAIRMAN. Mr. Allen, as you heard these statements, and have conducted the investigation in the past, I should certainly consider it a favor if you would continue to hold that office, and continue the investigation further.

Mr. ALLEN. Mr. Chairman, I have never read or heard these papers until within the last ten minutes, and I have not conferred with the witness; but I will ask him some questions.

Q. (By the CHAIRMAN.) I will ask Mr. Hinckley if the papers that were read were in his handwriting?

A. I should say they were.

Q. (By Mr. ALLEN.) You were formerly connected with this institution at Westborough?

A. I was, sir.

Q. What was your position there?

A. I was master of the Peters House.

Q. What do you say your position was at the Reform School in Westborough?

A. I was master of the Peters House, so called, and subsequently was master of the Farm House.

Q. How long were you connected with this school?

A. About 14 months.

Q. The boys in the Peters House and the Farm House were known as the best boys. How many were there in each of these houses on an average?

A. I think the Peters House accommodated 24 boys; but it was not always full. I had about an average of 23, I think, during the time I was there. The Farm House accommodated 32 boys, and the average was, I think, something over 30.

Q. What were the ages of the boys under your charge in these two houses?

A. From 15 to 20 years, I should think. Perhaps some were less than 15; I don't think any were as young as 12.

Q. Do you remember the boy Fitz-Gibbons?

A. I did not know the boy personally. He was a boy that was in the main institution; I only knew him by reputation.

Q. You knew him by reputation?

A. I knew him by reputation.

Q. Do you recollect anything in relation to his being flogged within a year past?

A. I chanced to be in the institution, soon after I went to Westborough, one evening when there was a disturbance in the dining-room in consequence of an attack by Jones and Fitz-Gibbons on Mrs. Moore. The boys were soon taken,—before they got out of the institution. I saw Jones, but I did not see Fitz-Gibbons. I did not know how he was conveyed to the superintendent's private office; but when I was in the main office with Mr. Chase, the clerk, he told me that Fitz-Gibbons was in the private office with the superintendent. I had previously, I think, met the superintendent somewhere, and he had said that he should not punish Jones, because he intended to send him away; but I heard the punishment going on in his private office, and Mr. Chase told me it was Fitz-Gibbons, and the superintendent was punishing him. I listened to the punishment,—being a comparative stranger there; I counted the blows which were administered to the boy. I desired to know what was considered a proper punishment to a boy there; I felt an interest in knowing what would be justified in my case, if I had occasion to punish a boy. I counted the blows. I counted forty-two. As I said, the boy screamed at first; but his voice gradually died out until they stopped, and the superintendent came out. I did not see the boy at all. In two or three days afterwards, to the best of my recollection, I was speaking to Mr. Chase again, about the boy Fitz-Gibbons, in the office. I told him, while he was telling me about his part of the affair, that I was listening to the flogging the boy was getting and counting the blows, and I told him what I counted. He said, "O yes; and that was only one of three floggings that that boy got for this offence."

Q. (By Mr. HYDE.) Who said this?

A. Mr. Chase, the clerk.

Q. (By Mr. ALLEN.) What was it he said?

A. He said "O yes; that was only one of three floggings which the boy received for this offence."

Q. Did he tell you the condition of the boy when the flogging was concluded?

A. And he added, "He fainted under that punishment."

Q. (By Mr. PRESCOTT.) Is this what Mr. Chase, the clerk, told you?

A. Yes, sir.

Mr. ALLEN. Will you state whether Mr. Chase told you who inflicted the blows?

Mr. HYDE. How far are you going to make progress in that way, when the gentleman will be upon the stand himself?

Mr. ALLEN. I may frankly say that these papers, which are considered

by the Chairman as having the same force as charges, if what is stated in them is true, show a state of things perfectly infamous; if they are not true, it is infamous to make the charges to go before the people of the Commonwealth. I want to know whether they are true or not. If they are true, things should be radically changed; if not, the charges should recoil on those who made them.

Mr. HYDE. My only point was, that as long as Mr. Chase is to be here, it is not worth while to ask Mr. Hinckley what Mr. Chase said. I do not want to be technical about it, but I think there should be a limit to how far he should say what Mr. Chase said.

The CHAIRMAN. I would suggest to Mr. Allen that we can have the witness here, and it is not necessary to ask Mr. Hinckley what Mr. Chase has said.

Mr. ALLEN. It will only save recalling this witness, because, if they make it different,—if Mr. Chase makes a different statement,—we shall have to recall this witness. It is to save time, and not to consume it, that I ask Mr. Hinckley this question.

Mr. HYDE. On the other hand, if it is not true, it goes, out and gives a false impression. As Mr. Chase can be heard, I think it would be better.

Mr. HINCKLEY. I can save you any further discussion by saying that Mr. Chase did not tell me who inflicted the blows.

Q. (By Mr. ALLEN.) Has anybody told you?

A. Yes, sir.

Q. Who; and what did they say?

Mr. HYDE. I object to that. He may say who told him, and then you can call for his informant.

Mr. PRESCOTT. I for one shall protest against limiting this investigation down to such narrow limits; such as it would be confined to in a court-room. We know that one of the trustees of this institution has already been allowed two days to state facts; a very large number of them, a majority of them, facts, not of his own knowledge, but which he has heard and known from others, in regard to the institution. I simply ask that now that we are taking evidence which seems to be important and to the point, looking to the other side of the case, that the same right may be allowed upon this side as upon the other. I strenuously desisted myself from interposing any objection to the testimony given here by Dr. Harvey in regard to what he knew of his own knowledge and the statements he had received from boys and officers connected with the institution, and I hope the same latitude will be allowed to the other witnesses.

Mr. TRAIN. I certainly think Mr. Allen has pursued the right course. I hope he will be allowed to go on and ask any questions he sees fit, because, as he properly suggested, these charges and statements are infamous, and we know—a majority of this Committee know—that when this matter is gone through with, they will show us that the Committee treated them as they ought to be; that they were proved to be infamously false. I hope Mr. Allen will be allowed to go on with his examination. Give him rope enough, and he will hang himself; there is no doubt about it.

Mr. ALLEN. You mean the witness ?

Mr. TRAIN. I do, sir, most assuredly. I would leave it entirely with Mr. Allen. The Chairman is not disposed to restrict the investigation to the limits which would be required, probably, in a court of justice. He could not, if he would ; and therefore, he will trust that Mr. Allen will not pursue the investigation beyond what would seem to be a reasonable limit.

Mr. DAVIS. I wish to say just one word. I trust the Committee will all remember, that when the trustee was testifying to the case, relative to what the superintendent said about the case, whereby the sentence of one of the offenders in court was lessened by a year, I asked Dr. Harvey if he knew that himself, and he said that he did not. He said he heard it from others. I said then, that it seemed to me it would be best, as the superintendent was here, to let him state the fact, rather than to have it stated by Dr. Harvey ; but it was agreed by the Committee and by the counsel on both sides, and the gentlemen who are interested, that he should have an opportunity to tell all that he had heard stated ; and while it was not quite competent, that anybody in testifying here hang themselves, if you give them rope enough, I certainly feel that everybody should have a chance to tell what they know about it ; and therefore, I trust, Mr. Chairman, that everybody will have a chance and will have all the limit that is asked for on that side.

Mr. HYDE. If you will allow me a single word. I think I asked Mr. Harvey myself concerning matters within his knowledge. Upon the cross-examination, a great many questions were put to him that Dr. Harvey said he could not answer himself. Now, I only ask how far you will go in this direction, of allowing Mr. Hinckley to tell what Mr. Chase said.

Q. (By Mr. ALLEN.) What did you hear in relation to the punishment of the boy Fitz-Gibbons ? From whom, and what were the facts given you ?

A. Mr. Phillips, the assistant superintendent, told me that Mr. Chase told him that he (Mr. Chase) administered the punishment to the boy. He is one of these persons who whipped him, in addition to the superintendent ; and he said he was confident Mr. Chase told him there was a third person who whipped him, but he didn't remember who it was.

Q. To what extent did he say the flogging was continued ?

A. He said the boy was whipped twice by the superintendent. He whipped him until he was tired, and then he whipped him again. About the third person he did not state ; he did not recollect

Q. What was the age of the boy Fitz-Gibbons ?

A. I do not know, sir ; I think about 15 or 16 ; that is my impression.

Q. Did you see him afterwards ?

A. I did not ; not to know him.

Q. The boy Watson ; do you remember him ?

A. I do.

Q. Did you see him ?

A. I did ; after he was punished ; I did not know him before, only seeing him with the other boys of the institution.

Q. Describe his appearance when you saw him after his punishment.

A. His head and face were severely bruised and swollen, and black and blue; the skin was broken in several places about the face and head, and he looked very badly. I had occasion to go into the lodge,—I think I had one of my own boys there,—and seeing him he attracted my attention. I asked him, or I made the remark, “You have rather a bad look,” or something of that sort, and he said, “Yes, they have been almost killing me for nothing.” I had no prolonged conversation with him.

Q. Did you speak with him?

A. I think I did. I asked him what he was punished for, and he said, “Because I wanted to go with another boy,”—meaning, no doubt, being in company in the yard when they were at play.

Q. Will you state, in your opinion, how that boy's,—how any injury to that boy's face could be caused by one or two blows with a strap?

A. No, sir; I should not consider it possible to have been caused by a strap. I think the officer who struck him over the head with a chair told me that he did so. The boy was fighting desperately, and he struck him over the head with a chair.

Q. (By Mr. HYDE.) Who was the officer?

A. Mr. Bigelow.

Q. (By Mr. ALLEN.) What else did that officer tell you?

A. Well, I think that he said that the boy was fighting Mr. Wheatley, who was the teacher who attempted to punish him, and he thought he was getting the best of Mr. Wheatley. The boy had shown fight, and was fighting him, and he came up behind him and struck the boy over the head with a chair.

Q. (By Mr. TRAIN.) How large was this boy? What was his physique?

A. He was 20 years old, I should think.

Q. As stout as you are?

A. Not as tall, but broader, I should think.

Q. Pretty good-sized man for a boy?

A. Yes, I think he would weigh, perhaps, 140 pounds; I do not know that he would weigh as much as that. He was quite a large boy.

Q. (By Mr. ALLEN.) Do you know in what manner that teacher punished him, before he resisted?

A. No, sir; I do not.

Q. What were you informed?

A. Mr. Wheatley told me that he was punishing him with a strap, and he also told me that the marks on his face were caused by a strap.

Q. Did he tell you in what manner he fought the punishment, or attempted to?

A. No, sir; he did not.

Q. Do you know whether he stripped or attempted to strip the young man?

A. I do not.

Q. What do you know in regard to the drenching of Goss, Turner, and Quinn, on Sunday afternoon?

A. I only know what I was told about it, in the main. I was in the

chapel, and the boys made a disturbance Sunday forenoon. The superintendent was present and the other officers. The boys hallooed in the lodge, which was under the chapel, and some boy thumped with something on the floor over their heads and under our feet. They repeated it, to the best of my recollection, twice; they might have repeated it three times; I mean at three different times; twice, certainly, and I do not know but three times. No one, to my knowledge, moved from the chapel. When I came out,—when we came out of the chapel,—the superintendent spoke to me and said that he thought it not best to interfere with the boys, but to take care of those we had in the chapel until we got through. "Now," he says, "these boys have had their turn, and I will have mine."

Q. (By Mr. PRESCOTT.) What was that remark, Mr. Hinckley?

A. "These boys have had their turn, and now I will have mine."

Q. Who made that remark?

A. The superintendent.

Q. Was this in the chapel?

A. Yes, sir; the superintendent was on the platform and I was passing out in the rear of my boys. I did not know what kind of punishment was administered until some time afterwards, and I do not remember who told me that the superintendent had used a hose upon the boys; but I was told that that was the way the boys were punished. The steam-pump was set agoing and a hose attached, and the superintendent carried it into the lodge and held the stream on the boys in the cell.

Q. (By Mr. ALLEN.) What was the force of the water in that hose?

A. I do not know, sir; I suppose it must be very powerful.

Q. What was the size of the stream?

A. I do not know that, sir; I do not know the size of the nozzle. I suppose about an inch. That is the size that was frequently used.

Q. Was that hose used for the purpose of extinguishing fires?

A. I think so.

Q. Thomas Gartland; did you know him?

A. I only saw him after he was dead, to know him.

Q. What do you know in relation to his death, and what took place on that day?

A. The first I knew about the boy's death the superintendent told me. I think it was Saturday evening, I was in the institution, and he asked me if I had heard of the suicide. I said I had not. He said Thomas Gartland had hung himself in his cell; but fortunately he was no loss to anybody; he was a worthless kind of a boy, passionate, and so forth. I believe that was all I knew about it until the funeral, which I attended in the chapel on the next day; I think, Sunday. The other statements, in manuscript, which you hold, were the statements made to me by the boys I saw there, in regard to his flogging, before he hung himself. They were, in substance, that the boy was put into the lodge, according to the best of my memory, on Friday, and he was taken out on Saturday to be bathed,—on Saturday afternoon; that Mr. Rice took him from the bath-room, while he was naked and wet into the school-room and flogged him on the bare back severely; that he was promised further punishment by the superintendent on returning to the lodge; and that the next they

saw of him he was hanging in death. Those were the statements made by the boys to me,—some of the boys,—a boy who was inside of the main institution at the time; and he was, at the time he told me, in my family of boys.

Q. (By Mr. PRESCOTT.) Who was this boy that told you?

A. His name is James Crowley.

Q. Is he there now?

A. I suppose he is.

Q. (By Mr. ALLEN.) Have you heard anything of any application made to his back to remove the marks?

A. Only what this boy told me.

Q. Well, what did he say?

A. He said that after the boy was carried into the hospital, beefsteak was carried up and applied to his back to take out the marks of the flogging.

Q. The sweat-box; will you describe that?

A. It is an upright box, and, by the way, I have seen very little of it; I have never put a boy in or taken one out of it. I chanced to be in the attic, and saw a boy confined in it there; it is an upright box, intended, as I suppose, and as it appeared, to fit closely to the person of the boy, so that he will be obliged to stand in one position while confined in it, and unable to move, and, as I have heard stated, so arranged that the sides can be compressed against the boy. I heard Mr. Phillips say, in the presence of all the officers, that it could be compressed with sufficient violence to crush the boy's bones.

Q. How high does it come above the boy's head?

A. I should think perhaps the box was eight feet high; it may be more; it may be ten.

Q. What are the conveniences for breathing?

A. There is an opening about the height of the boy's face, a small square cut out of the side of the box, and a couple of slats put across it. I should think it was perhaps five or six inches square, with slats across it.

Q. What have you heard from the assistant superintendent, or any other officer, in regard to the condition of boys when taken from that box?

A. Assistant Superintendent Phillips told me that he had taken a boy from there who had been in there from three hours to three hours and a half, and the perspiration was dripping from his hair, and his clothes were thoroughly saturated with perspiration. That was in warm weather. I have heard several officers speak of the sweat-box and of the effect upon the boys of being kept in it. One officer said he had had two boys in it, and that they staggered and were unable to walk straight when he took them out. One officer said that he had seen boys drop when taken out, and that he had to take them out in certain instances; I think he said in three or four cases he had to take them out, and they had dropped when he took them out.

Mr. DAVIS. I would suggest that we have the names of those officers.

Q. (By Mr. ALLEN.) Do you remember who it was?

A. The officer who told me he had taken out three or four was Mr.

Chase, the clerk ; the officer who said boys staggered when he took them out was Mr. Brown, of the Garden House.

Q. (By Mr. PRESCOTT.) Was this at a meeting of the officers, after the investigation ?

A. It was. The statement of Mr. Chase was in the presence of the officers. I think Mr. Brown's statement was made to me after we left the meeting.

Q. If you will excuse me a moment, I want to have the Committee know under what circumstances these statements were made by the officers, and how you came to hear them ?

A. The superintendent called these officers together,—all the men, I think,—and asked what they thought—

Q. One moment, Mr. Hinckley. Was this a meeting of all the officers, called together after the time when the first investigation commenced ?

A. It was after the order was introduced into the Legislature, and I think after the first hearing was had. I think I had been before the Committee.

Q. This, then, was at a meeting of the officers. Was the superintendent present ?

A. He was.

Q. Were any of the trustees present ?

A. No, sir.

Q. Well, now, Mr. Hinckley, go on and state what was said at that meeting of the officers.

A. The superintendent asked each officer which he considered the most severe punishment,—that of the strait-jacket, or that of the sweat-box. Some thought one was the most severe, and the others thought the other was the most severe. I cannot remember the statements that they made. I did notice the statement of Mr. Chase, because it was a more severe punishment than I supposed the sweat-box caused, and that the sweat-box was a more severe punishment than I had supposed.

Q. By what name was this box called and known in the institution ?

A. I never heard it called but one name until I came here, and that was sweat-box.

Q. (By Mr. TOMPKINS.) When did you first hear the name of sweat-box applied to it ?

A. When at Col. Shepard's request I caught a boy in Malden, before I was connected with the institution. The boy wanted I should intercede with Col. Shepard for him, that he should not be severely punished. I asked him what the punishments were, if a boy was caught running away ; he said he was first stripped and severely punished—

Q. Well, I asked you the question when you first heard the term sweat-box applied to this machine ?

A. —then he was put in the sweat-box, this boy said. That was before I had been connected with the institution.

Q. You call it a sweat-box. Would you call it a sweat-box in any sense, or was it named after one of the trustees of the institution, Mr. Swett ? I merely ask for information, Mr. Chairman ; having been in the box myself, I merely asked for information whether there is any

means of sweating a boy there? Is there any means of sweating a boy there?

A. There is no artificial means whatever, to my knowledge.

Q. Then, why is the name sweat-box applied to it? Don't you think it was named after Mr. Swett of the trustees?

A. No, sir.

Mr. LOWE. Mr. Swett was the only member of the trustees who had never heard of it.

Mr. TOMPKINS. I have been in it.

Mr. DAVIS. We couldn't get you all in.

Mr. TOMPKINS. I guess you did. I like to have things called by their right names.

Q. (By Mr. ALLEN.) Would not confining a boy in this box induce perspiration?

A. I think it would, except in very cold weather.

Q. How long have you known boys to be confined in it?

A. I have heard, from three to four days is the limit. I think it was an understanding. I have heard from the officers.

Q. Mr. Hinckley, did you see Mr. Harvey, one of the trustees, there?

A. Yes, sir.

Q. Did you have occasion to refer to him?

A. Yes, sir; occasionally.

Q. What did you observe of his general treatment of the inmates, and the advice which he gave them?

A. Well, the first time I recollect consulting Dr. Harvey, was in relation to the propriety of letting the boys go into the pond. Mr. Harvey thought it was hardly warm enough.

Q. I mean, generally; what was his general conduct towards the inmates, and the general course or tendency of his conduct and advice while there, if you know?

A. I do not know that there is any general tenor. I think, on one occasion, he had a boy in his house, ill, a good deal longer than he ought to have been.

Q. What was the matter with him?

A. I do not know. He seemed to have a lung difficulty. I noticed when he worked he breathed very short indeed, and seemed exhausted. I asked him what was the matter, and he said, "I am sick." Said I, then, "Don't try to work." He went to the house and went to bed; he seemed very feeble; had no appetite. He could not seem to get his breath, and seemed to breathe very shortly; his breath did not get down into his lungs. I felt a little alarmed about him at first, and reported the case to the superintendent, and he said keep him at the Peters House until the doctor comes up. I kept him there two days, and the doctor did not appear. I inquired if the doctor had been about, and he said he had, but was in a hurry, and could not stop. I then spoke to the matron, and told her, and wished she would have the boy come there; the boy Loring was sick, and seemed to be suffering, and needed attention. She said she would inform the doctor when he came. Still the doctor did not come for two or three days more. I went over and inquired if he had been up.

She said he had, but had not come there because he was in a hurry. I learned that from Mrs. Armitage. I felt some like scolding about it, and I did. I do not remember what I said, but I think it was abusive that a boy should be lying in that way without attention. I think it was the next day when I came from the field that my wife said that the doctor and superintendent had been there and taken the boy away; and the next time I saw the superintendent, he said the doctor said there didn't much ail the boy; but he was kept in the hospital quite a number of weeks. I could not say how many. I should think four, before he returned to the Peters House.

Q. Was the general bearing of Dr. Harvey towards the inmates kind and gentle, or stern?

A. I only witnessed his manner on one or two occasions; I thought it was harsh, unkind. I took a boy, who had a malignant ulcer on his leg, to the doctor at the hospital. He said it must be burned out with caustic, and he commenced to go through with the operation. He put his caustic into the wound on the boy's leg, and it commenced to bleed and burn a great deal; and the boy seemed to be in great agony, and he instinctively put his hand to the doctor's arm. "Get away your hand," says the doctor, and he kept on sticking in caustic. When he got through, I took the boy home, and he said he never wanted to go near the doctor again. He seemed to suffer a great deal with the sore. I think the doctor was unnecessarily harsh and unkind; I felt it a good deal myself at the time. That is about the only case that I remember.

Q. Do you recollect, Mr. Hinckley, seeing any other marks, wounds or bruises upon any of the inmates of the institution, the results of flogging which the boys received?

A. I have seen several boys with their backs marked, at one time and another.

Q. By flogging?

A. I think so.

Q. Give the instances, the names, and all you know about it?

A. A boy by the name of Miller, belonging at the Garden House, was at work grading around the new building, last summer,—I cannot tell the precise time,—with an Irishman by the name of Doyle. I was told that the Irishman took the boy in to the superintendent on a complaint that he swore, and the superintendent punished him for swearing. I saw the boy that night, when he went in bathing. I saw the boy's back; he was bathing in the pond, and my boys were bathing in the pond at the same time. His back was very severely marked from blows; across his back, from his shoulders nearly down to his hips; his back was a great deal inflamed and swollen. I asked the master of the Garden House about it, and he said he was punished by the superintendent in the forenoon for swearing. Another boy in the Garden House I saw in a similar condition. His back was very severely marked. His name was Kelly, and he was monitor at the Garden House. The master of the Garden House was away; he had been away, I think, on a vacation. This was in the summer, and the officer who had charge of the boys had punished this boy on the back. The circumstances, as narrated to me, were these:

The boys were put to bed at night, and the officer who punished him told me himself that he heard a little noise in the sleeping-hall, and he went back and looked there and saw there were three boys out of their beds, and that this boy, Kelly, was near the door; that he went down and took the boy, Kelly, out, he being the monitor, and punished him severely on his back with the strap. When the boy went in bathing at night,—Mr. Brown, the master of the Garden House, returning the next day,—I saw the boy's back when he was naked, and it was very severely marked; the marks across his shoulders, and across his back all the way up and down, were very severe.

Q. (By Mr. PRESCOTT.) How old was this boy?

A. I should think he might be 20 years,—he was as tall as I am, but not as heavy.

Q. (By Mr. ALLEN.) A full-sized man?

A. Yes, sir. The next cases which occur to my mind were the two cases of punishment at the Farm House, by Assistant Superintendent Wood. The boys' names were Dennis Sullivan and James Kelly.

Q. (By Mr. SANDERSON.) The same Kelly boy you have referred to?

A. No, sir.

Q. (By Mr. HYDE.) What are the names of the boys?

A. Dennis Sullivan and James Kelly.

Mr. ALLEN. That is not the same Kelly he has been speaking of before.

Mr. HYDE. I understand.

Q. (By Mr. SANDERSON.) What was the first Kelly boy's name?

A. I do not know his given name; he was monitor at the Garden House.

Q. (By Mr. PRESCOTT.) When was this, Mr. Hinckley?

A. The case I am now speaking of?

Q. Yes, sir.

A. It was pretty near the first of February; perhaps it was on the Saturday near the first of February.

Q. Well, I do not mean the exact date, but about when. Do you mean the last February?

A. I do not know the precise date; it was last February. I was sick, and Assistant Superintendent Wood went down to take care of the boys. At noontime the boys were going out from dinner and they passed through the kitchen, by a table on which was some meat cut up. My wife saw two of the boys extend their hands as though they intended to take meat from the table. She did not see them take any. They turned around and saw that she was in sight and did not take any; they were in line, as usual, and went out in line. Mr. Wood, after dinner, went with the boys to the shop and took these two boys out of the shop into the barn and strapped them, naked.

Q. (By Mr. ALLEN.) For that offence?

A. For that offence.

Q. (By Mr. TRAIN.) Who informed Mr. Wood of it?

A. My wife; he punished them on their backs and thighs, severely. I looked over the books next morning. One of the boys—I think it was

Sullivan—showed the marks on his legs, where the end of the strap had struck him, and the skin was broken in four or five places. His back was marked a good deal all the way up and down. I saw the skin was broken in four or five places.

Q. What were the ages of these boys?

A. Sixteen or seventeen, I think.

Q. Any other cases?

A. The next were the punishments by Mr. Rawson.

Q. (By Mr. SANDERSON.) Was Mr. Wood furnished with a strap, or did he use your strap?

A. He had my strap.

Q. Who furnished him with that strap?

A. My wife came to me, and said, "Mr. Wood wants your strap"; I said, "It is in my pocket." My clothes were near by, and she took it out.

Q. Then you punish with the strap?

A. I have used the strap a great many times.

Q. (By Mr. ALLEN.) Any other cases?

A. The cases punished by Mr. Rawson were a boy by the name of Flynn and the same Dennis Sullivan, whom I have mentioned before. I was down here on the summons of this Committee. Mr. Rawson had charge of the boys that day, and he told me when I arrived home at night that he had punished two of them.

Q. Is Mr. Rawson under you?

A. No, sir; he is one of the farm hands, sent to take care of the boys by the superintendent. The complaint against the boys was that they whispered while at work in the shop. He took them into the barn, stripped them naked, and punished them with a little piece of trace, as the boys said. I did not see the trace; I only saw the marks on the boys' backs.

Q. (By Mr. SANDERSON.) They were not the same boys, both of them, were they?

A. No, sir; one of them, Sullivan, was the same boy; Flynn was another boy.

Q. What was the appearance of the boys' persons when you examined them?

A. They were severely punished; I noticed the thin skin seemed to be taken off all the way up and down their backs; small bits of the outer skin were raised and hanging; the wounds on Flynn's back did not seem to be so deep, however, as they did on the Sullivan boy's; Sullivan's back was more inflamed. The blows seemed to be heavier, but fewer.

Q. What was the general appearance of the Sullivan boy's back?

A. Red and inflamed, showing marks of the punishment.

Q. (By Mr. WASHBURN.) Is that a recent case?

A. Yes, sir.

Q. (By Mr. ALLEN.) Do you know of other cases?

A. The second day I was down here the boy Hector was punished by Mr. Rawson. He was my monitor in the shop and had care of the boys and the giving out of the cane for the chair seats, etc., and was expected to talk with the boys as occasion require.

Q. What was his age ?

A. I do not know his precise age ; I should think 20. He was a man grown.

Q. What was his general character ?

A. He was a quiet boy, and was understood to be a feeble boy—a consumptive. I remember the remarks of the superintendent on Christmas day, that he was inclined to indulge the boy in his request to go away and dine with a former master, because he thought he would not have an opportunity of eating many Christmas dinners. He considered him in consumption. He was sent outside because it was thought it would be better for him.

Q. You say Rawson punished him ?

A. He punished him for the same offence that the other boys were punished for. He was stripped and punished with the same piece of trace on his naked back.

Q. In what condition did you find him ?

A. There were marks of very heavy blows upon his back ; the skin was not broken, but there were clearly defined marks the whole width of the trace across the shoulder-blades and in other places across the back. The worst marks that I saw were on the shoulder-blades ; the lowest were not below the waist, I think.

Q. Did you know he was stripped ?

A. I only know as I was told. He told me he was stripped, and the other boys said he was stripped.

Q. (By Mr. TOMPKINS.) Hector told you he was stripped ?

A. He did.

Mr. WASHBURN. Brother Allen, don't you think you had better summon Mr. Rawson ?

Mr. ALLEN. I think we want him here by all means ; I think there is no doubt about it.

Q. (By Mr. DAVIS.) I would like to ask Mr. Hinckley relative to the first punishment ; whether he remembers definitely whether the boys were taken to the barn, or whether they were whipped in the shop below the barn—in the case of Rawson whipping Sullivan and Flynn ?

A. I think I was told that the first boys he punished he took into the tool-room in the shop.

Q. I would like to know whether or not Mr. Hinckley knows in regard to this case any method whereby Hector was taken to the barn when he was whipped ; whether there was anything said about his going under cover of a pistol ?

A. He told me that he had a pistol at his head when he went out, and the other boys told me so.

Q. Who told you so, the Hector boy, or did Mr. Rawson say it ?

A. The Hector boy and the other boys.

Q. He said he was taken to the barn under the cover of a pistol, did he ?

A. Yes, sir, and the other boys were afraid if they interfered he would level his pistol upon them.

Q. (By Mr. ALLEN.) Are there any other cases on which you can give us any information?

A. Not that I have seen myself.

Q. (By the CHAIRMAN.) Do I understand that the two boys were flogged one day by Mr. Rawson, while you were here in Boston; and that Hector was punished the next day after, while you were here in Boston?

A. Yes, sir.

Q. When you went home from here, were you informed of the punishment of these two boys?

A. I was.

Q. Did you caution Mr. Rawson about punishing boys again in like manner?

A. I did not know the extent of the punishment. I had not seen the boys, and had no extended talk with Mr. Rawson. He simply said, "I have had occasion to punish two boys to-day," and handed me the keys and went out.

Q. Did you make inquiries with reference to the extent of the punishment or with reference to the offence for which they were punished?

A. The boys were then in school, and I made no inquiry especially until the boys came out of school. Mr. Rawson seemed in a hurry, and said it was time for him to go to the barn, and went out. When the boys came out of school, I did inquire particularly about it, having previously inquired of my wife what she knew about it.

Q. Did you caution Mr. Rawson against punishing boys in like manner again?

A. I did not see him.

Q. Did you ever caution him?

A. I do not think I ever did.

Q. (By Mr. ALLEN.) Did you report this to the superintendent?

A. I went to the office very soon after I got home, but before I had seen the boys or heard anything of the extent of the punishment. I did not see the superintendent, and did not know then that he was on a vacation. I was suffering severely from a cold, and did not go to the office again that night. When I had learned the facts in the case, the next morning I went to the office intending to report the case to the superintendent, but did not see him, because he was not there.

Q. Did you afterwards?

A. I did not, because at night he had the boys at the office. I reported the case here, and he had the boys up and was examining them, apparently, when I got home.

Q. (By Mr. PRESCOTT.) Who was there when he examined the boys?

A. The boys were sent to the office.

Q. Did you not understand they were sent for to appear before a sub-committee of this Committee?

A. They were sent for before I got home.

Q. They appeared before members of this Committee?

A. I understand they did. They were sent for soon after dinner, before the Committee came up there.

Q. Then, afterwards, they were presented to the Committee, were they?

A. I understand so; the boys told me so.

Q. (By Mr. ALLEN.) Will you state whether these floggings upon some inmates of the institution are of daily occurrence at that institution?

A. I should think they were very frequent at least. We hear of them very often. We hear the officers speaking of punishing boys, and sometimes of a great many in a day.

Q. Is that the kind of a strap used? [Exhibiting a strap.]

A. Yes, sir; similar to that. I have seen some thicker and some lighter.

Q. Is that one of the lightest used?

A. I am not able to say. I have two myself, and I have seen those of other officers. I have seen them wider than that.

Q. You have seen them lighter or smaller than that?

A. No, sir; I have not, I think.

Mr. ALLEN. This strap is exhibited by the superintendent.

Q. Will you describe the strait-jacket?

A. I never saw but little of the strait-jacket. I have only seen it in the institution, and never saw it used on a boy.

Mr. PRESCOTT. What strait-jacket do you refer to, Mr. Allen?

Mr. ALLEN. That made of cloth.

WITNESS. I saw the body of a strait-jacket, on one occasion, lying on the floor, and that is the only way I have of describing it. It was, apparently, a jacket to fit the person with straps and buckles, to draw it tight over the breast and feet.

Q. Were the legs strapped together?

A. I only saw it on the floor.

Q. (By Mr. TOMPKINS.) Do I understand that you, being in charge of the Farm House, had also the general run of the institution itself?

A. Yes, sir.

Q. (By Mr. ALLEN.) Mr. Hinckley, you said you used the strap. Will you tell me in what manner you used it?

A. I generally used it on the boys' hands, but not always. In a few cases I used it otherwise. I think the first boy I ever punished with the strap at all, was soon after I went to the institution. He was very noisy in school, and I took him out and told him to take off his pants.

Q. How old was he?

A. I think he was 17 or 18 years old. He said he would not. I told him I thought he would; and he did. I gave him a few blows around the legs. I believe he considered the punishment very light. I am not aware that he was marked, but he might have been a little. I could not be positive about that. That was the first case. The next case, in which I punished him without a strap—

Q. (By Mr. SANDERSON.) What was this boy's name?

A. Westwater. The next boy I punished, excepting on the hand,—his name does not occur to me at the moment,—is not in the institution now. He went away, and was bound out. I punished him for burning

his shoes. I had cautioned him against burning his shoes under the stove grate where he was holding them to warm his feet. I cautioned him several times. I came in and found that he had set them under the grate and burned them so that they were spoiled; he had entirely ruined them. I told him to go upstairs and take off his pants. He did so, and I punished him.

Q. How old was he?

A. I should think 16.

Q. Did you punish others in the same manner?

A. Those were the only cases, I think, in which I have punished in the same way.

Q. Pardon me for asking you if you do not think it is brutal to make a young man 18 years old take off his pants and expose his person, as he must have done, in your presence, and apply the strap to his naked person? Didn't it occur to you?

A. Yes, sir.

Q. What in the world did you do it for?

A. Because it seemed to be expected that I should do it, not only by the boys, but by the officers of the institution.

Q. (By the CHAIRMAN.) I would like to ask you, if you would not have felt justified in using some method, if, in your discretion, you thought it would be equally as advantageous?

A. Perhaps I would. I had punished boys in other methods before. The boys evidently thought I was not punishing them in the way they were in the habit of being punished; they thought I punished very lightly. They supposed I was doing it for an opportunity to get up a reputation among the boys.

Q. I would like to have that very clear. You say you punished by the strap because the boys expected it of the officers of the institution; and that was your reason for using the strap?

A. And because they deserved punishment.

Q. You say you had discretion, and you could have used other forms which would result equally favorable, if you had wished?

A. Yes, sir; I could.

Q. Why didn't you do it?

A. Simply because I thought this would be the most effectual and satisfactory under the circumstances.

Q. Then, your answer is, that you consider the strap, under all circumstances, the best means of punishment?

A. I did at that time; yes, sir.

Q. (By Mr. PRESCOTT.) Do you now, from your experience?

A. I do not.

Q. (By Mr. ALLEN.) Are you not very much ashamed of it, now?

The CHAIRMAN. That is very hard, Mr. Allen.

Mr. HYDE. I would have the question asked, by all means.

A. I think it is not creditable.

Q. (By Mr. PRESCOTT.) Who furnished these straps?

A. I had mine from the man who has charge of the leather, Mr. Armitage.

Q. (By the CHAIRMAN.) I would like to ask just this question: if you don't consider the strap a proper mode of punishment because of recollections of paternal and maternal punishment with a leather slipper upon the buttocks?

A. I never had a flogging, sir, in my life, from man or woman.

Q. (By Mr. TOMPKINS.) Have you ever thought you deserved one?

A. Yes, sir; I have.

Q. (By Mr. ALLEN.) What was the general conduct of these trust boys under your charge in these two houses?

A. The general conduct was obedience to my requirements and the rules of the institution.

Q. How many of these trust boys, which you say were generally obedient, were flogged while you were there?

Mr. HYDE. By whom?

Mr. ALLEN. By anybody.

A. I flogged all who were flogged there, except, perhaps, some slightly punished a few times. I cannot tell how many, sir; there are the records of the institution.

Q. When did you leave the institution, Mr. Hinckley?

A. On the 16th of February.

Q. Last month?

A. Yes, sir.

Q. What was the occasion of your leaving?

A. I resigned,

Q. For any special reason?

A. Well, I disliked the atmosphere of the institution.

Q. You resigned after this investigation commenced?

A. Yes, sir.

Q. And after you had once testified before this Committee. Were you requested to by the superintendent?

A. I was not.

Q. (By Mr. HYDE.) You said the atmosphere was not good. I want to know whether you thought the ventilation was bad or not?

A. No, sir.

Q. (By Mr. ALLEN.) You have said that the boy Gartland was stripped and flogged for swearing?

A. I have not said he was stripped. I only testified with regard to the marks upon his back.

Q. Now, in your opinion, will taking a young man 18 or 19 years old and flogging him be likely to cure him of the habit of swearing?

Mr. TOMPKINS. That is a matter of opinion.

Mr. ALLEN. Well, we are taking the opinion of all witnesses.

Q. (By Mr. TRAIN.) If, after having reprimanded a boy under your charge for swearing, he still continued to use profane and obscene language, what would be your remedy?

A. I would punish him in some way, whichever I thought best.

Q. (By Mr. ALLEN.) In this particular case, the boy was engaged in work with an Irishman. Will you state whether that Irishman was in the habit of swearing?

A. I am told that he did swear. I have never heard him.

Q. And the boy was flogged for what you are informed the man did with whom he was placed? Now, will you state from what you saw at the Reform School, during the year or more you were there, whether the treatment of the inmates was, in cases other than those of the Rawson man, brutal and unkind?

A. I think the boys in a great many cases were excessively punished, and needlessly and abusively so.

Q. And whether you have criticised such punishment as brutal and unkind?

A. I did.

Q. (By the CHAIRMAN.) Did you ever administer punishment yourself when you considered it was brutal and unkind?

A. Not when I administered it.

Q. I mean when you administered it?

A. No, sir.

Q. (By Mr. TRAIN.) I should like to have you answer my question: In case of a repetition of profanity and obscene language, you say you would use punishment. What kind of punishment would you adopt in an aggravated case?

A. I used various kinds of punishment, and always tried to adapt it to the circumstances, so that it should be effectual.

Q. Would you use the sweat-box?

A. No, sir; I never did.

Q. I say, would you?

A. I think I should not.

Q. What would you do—pray with him and beseech him to be a better boy, and try him again?

A. I should talk to him seriously, and it would depend somewhat upon the boy's apparent feeling what I did.

Q. You would not depend on moral suasion, would you, in cases of that kind?

A. No, sir, I would not.

Mr. TRAIN. That is all. I guess you are human.

Mr. PRESCOTT. I have a few questions to ask.

Mr. HYDE. Of course the Committee will take any such action as they see fit; but I think it would be well for the counsel to go through with the witness, and then for the Committee to go through with him.

The CHAIRMAN. Mr. Prescott's question may be in the same line.

Mr. HYDE. I think very likely he will have more to ask after I get through.

The CHAIRMAN. I will only make it in the form of a suggestion; but if Mr. Prescott's questions are in the form of direct questions, he might put them; but if they are indirect in their nature, would it not be better to let them go until the time comes for cross-examination?

Mr. PRESCOTT. Well, I do not know whether they would be called direct or indirect. It is only for light and information that I am seeking.

Mr. WASHBURN. I think Mr. Prescott had better ask his questions, if he wants to.

Mr. PRESCOTT. Having received consent, Mr. Chairman, I will ask some questions.

Q. (By Mr. PRESCOTT.) Are there any strict rules and regulations which are given to officers in regard to punishments?

A. Not to my knowledge. I have not heard of any.

Q. When you first became an officer of the institution, were any rules and regulations put into your hands in regard to the matter of punishment?

A. Not any.

Q. You were not restricted, then, in the matter of punishments, at all?

A. No, sir.

Q. Are these boys in the Peters House and the Farm House, called trust boys, taken up to the institution sometimes and confined in the lodge as a punishment?

A. Yes, sir.

Q. How long are they confined there at a time?

A. It depends upon the will of the master.

Q. What is their food while there? Who tends them while there?

A. The man who has care of the lodge,—the inside officer of the institution.

Q. Are boys fed while they are there, generally?

A. I suppose they are fed twice a day.

Q. When they are in the lodge, are they ever deprived of their clothing?

A. I am told they are. I never took the boys' clothing away when I have put them in there, and I have put boys in the lodge several times.

Q. Are boys that are at these trust-houses sometimes taken up to this institution and put into the sweat-box?

A. They never were from any house I had charge of. They were from other houses, under other officers, I think, sometimes.

Q. By the way, about that word "sweat-box,"—have you ever heard it called a wooden strait-jacket before this investigation?

A. Never.

Q. What do the officers call it?

A. Sweat-box.

Q. What do the boys call it?

A. Sweat-box.

Q. Is that sweat-box in pretty general use, so far as you know?

A. I should think it was.

Q. Well, now, another point. After the investigation commenced, some month ago, I understand you to say that a meeting of the officers was called to talk over this matter with the superintendent,—to talk over the comparative severity of the sweat-box and the strait-jacket?

A. The general subject of punishments. I do not know that that matter came in.

Q. Well, now, do I understand that at that time some of the officers stated that they had known boys to be taken out of that box in a fainting condition?

A. Yes,} sir.

Q. How many such cases as that were related ?

A. I think Mr. Chase was the only officer who spoke of that.

Q. Mr. Chase is the clerk ?

A. Yes, sir.

Q. Whether any statement was made that boys were sick who had been put in the box ?

A. That was spoken of, that the boys were sometimes sick and vomited, etc., in the box.

Q. What do the boys consider the more severe punishment,—the use of the strap, or the use of that box, so far as you know ?

A. So far as the boys I have had experience with, I think they would prefer the strap.

Q. You were there, were you, on the 12th of January last, when this outbreak occurred ?

A. I was.

Q. Well, now, Mr. Hinckley, in your best judgment, what was the cause of that outbreak there,—the direct, or more remote cause ?

A. The immediate cause, as I conclude from the boy's statement,—and, by the way, I refer to the boy who testified, not a great while ago, in regard to the rioters, and was one of them— Early after the trial, I asked several of the boys what the state of feeling of the boys was,—why they were inclined to commence that riot. They said it was commenced by the boy Collins, because he had been abused by officer Bigelow.

Q. How abused ?

A. Struck a blow in the mouth, in the yard, in the morning.

Q. So far as you can learn from the boys, this was on the morning of the day when the riot occurred in the evening ?

A. The same day, or some time in the fore part of the day it occurred.

Q. The boys say, then, the cause of it was that officer Bigelow struck a boy in the mouth previous to the outbreak. So far as you know, is that the general opinion of the boys,—do they talk it ?

A. That seemed to be the immediate cause, in the minds of the boys.

Q. Well, what was the cause of the boys being willing to join in an outbreak of this kind ? Simply because one boy received, or thought he received, some unjust punishment ?

A. Out of sympathy with the boys, I should say, and on account of grievances of their own.

Q. Do you think that the punishments in that institution have been of such a kind as to cause the boys to be in a rebellious spirit, ready for an outbreak at any time ?

A. I do.

Q. Do you think that that is more directly the cause of the outbreak than the erection of the new wing of the building, where some of these incorrigible boys were to be kept ?

A. I do.

Q. Do you consider that the erection and nearness to completion of the new wing to the building, where some of these most vicious boys were to be confined, was the main and moving cause of the late outbreak in any way ?

A. I do not.

Q. Have you heard the boys, directly or indirectly, express dread of going into that new part?

A. I don't know but I have heard the matter alluded to; but there is nothing distinct in my memory about it. I have spoken to the boys under my care about it, and said it would be a fine opportunity for them to learn trades there, probably, that might be useful to them when they were away.

Q. What is the general reputation of the officer Bigelow among the boys?

A. I believe the boys consider him a severe officer—harsh.

Q. Well, Mr. Hinckley, what is the general feeling of the officers in that institution towards the boys, in regard to their treatment of them?

A. That they are worthless fellows, and deserve a good deal of punishment.

Q. (By the CHAIRMAN.) Whose opinion did you say that was?

A. Mine, sir.

Q. I understood you to say it was the opinion of the officers of the institution?

A. It is what I thought, as their general opinion.

Mr. PRESCOTT. It was the expression of his opinion of the officers.

WITNESS. It was my opinion of the opinion of the officers.

Q. (By the CHAIRMAN.) What is your opinion of the boys of the institution?

A. Will you please define that?

Q. I believe the question was, what was your opinion of the opinion of the officers of the institution with respect to the boys?

Mr. PRESCOTT. I didn't mean to put the question in that way, but in something like this form: What, in general, is the treatment of the boys by the officers,—is it kind and humane?

WITNESS. It is not, in my judgment; the feeling seemed to me to be one of hatred and contempt for the boys.

Q. (By Mr. TOMPKINS.) Contempt of the officers?

A. Contempt of the boys.

Q. (By Mr. HYDE.) By the officers?

A. By the officers; I mean by the officers generally; I don't know that I should include the superintendent, but I should not.

Q. (By Mr. TOMPKINS.) Do the boys have any contempt for any of the officers, to your knowledge?

A. Boys have contempt for the officers?

Q. Any of them?

A. Yes, sir.

Q. (By Mr. WASHBURN.) Do I understand you to say, or to go so far as to say, that the officers think most of the boys bad boys?

A. Yes, sir; I think most of the officers think so.

Q. (By Mr. PRESCOTT.) Do you think there are many boys escape from the institution?

A. I don't know how many definitely; I know something near the numbers who have escaped from the outside houses while I was there,

and I believe I do from the main institution,—something near; not exactly.

Q. (By Mr. WASHBURN.) Do you differ from the opinion which most of the officers entertain, as you think, that most of the boys are bad boys?

A. I think most of the boys are bad in that sense.

Q. You think that is one reason why they are there?

A. Yes, sir.

Mr. WASHBURN. I simply want to shape the inquiry.

Q. (By Mr. PRESCOTT.) When you were before the Committee before, something was testified in regard to the two boys punished by Mr. Wood so that they were sick?

A. It was

Q. Was he assistant superintendent at that time?

A. He was.

Q. He was appointed in Mr. Phillips's place?

A. No, sir; there were two assistant superintendents at that time. I believe Mr. Wood was intended to be assistant superintendent in the new building.

Q. In regard to these statements, Mr. Hinckley, that were made and read here, some of which have come under your own personal knowledge, but the most of them—I believe the most important assertions—were statements you have gained from the boys?

A. From the boys and the officers.

Q. From boys and officers. When boys are punished there by the strap, are they usually punished in a room by themselves, where there is no one to witness the punishment?

A. I believe they are.

Q. That is the usual mode of punishment. Why, have you never put boys in this sweat-box?

A. Never; I never felt that it was such a punishment that I wanted to inflict. I think it is not used much by the officers in the outside houses.

Q. Have you any means of knowing how much that box has been used, say during the past six months, or the six months previous to the former investigation?

A. I have no means of knowing definitely, only that it is used frequently.

Q. From statements made to you by officers, have you judged that the use of that box was frequent?

A. I have.

Q. Did you keep a strict record of the punishments which you inflicted upon the boys?

A. Corporal punishments?

Q. Corporal punishments? What do you mean by corporal punishments?

A. I mean punishments by the strap.

Q. Do you record the number of blows given?

A. I do.

Q. And the cause?

A. Yes, sir.

Q. Do you know whether or not other punishments are recorded?

A. They are not in the outside houses.

Q. (By Mr. TRAIN.) From what you say you have heard other people say, and what you know in regard to the sweat-box, would not you feel warranted in asserting that it is used there frequently?

A. I would.

Q. And you don't make that statement entirely on hearsay?

A. I believe that's the case.

Q. (By Mr. HYDE.) You had better boys in the trust-houses than in the institution?

A. They are so considered when sent out.

Q. And how often a month did you punish with the strap?

A. Some months I had four or five cases, and some months none; some months one or two.

Q. How were they punished with the strap, generally; light or severe?

A. I called them severe.

Q. You didn't call them light?

A. No, sir; I didn't intend to.

Q. Called them severe?

A. In my judgment they were.

Q. What was the effect of your punishment?

A. I was generally pleased with the result.

Q. Was the effect good?

A. I thought so.

Q. Have you any reason to differ from that opinion now?

A. Not in the main.

Q. That is, you mean to say, that whenever you flogged, the result was good, and when any others flogged the result was not good—that is what you mean to say?

A. I mean to say that I don't intend to make my punishments so severe as to excite the boy's revenge, or make him feel that I was punishing because I loved to punish. I always intended to labor with a boy until he was satisfied that I did not mean to neglect my duty.

Q. When punished, it was in the judgment of the boy—he thought it was your duty to punish?

A. You can look at it as you choose; I intended it to be according to my judgment, and I intended the boy to feel that it was just.

Q. Now, all punishments you made with the strap were severe?

A. Yes, sir; I think so.

Q. And was the result good always?

A. I think it was, in the main.

Q. Now, here are a couple of reports—annual reports—that we happen to have here—just see if this is yours [handing a paper]. Was that report made by you?

A. Yes, sir.

Mr. HYDE. I will read it.

STATE REFORM SCHOOL.—*Record of Corporal Punishment inflicted by Francis Hinckley from January 1 to January 31, 1876.*

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to the punishment.	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys.	Was the effect of the punishment upon the boy good or bad.
Jan. 7,	Steven J. Cook, ¹	10	Severe,	Strap,	Yes,	Personally known,	Good.
7,	Flinn, ²	10	"	"	"	" "	"
10,	Westwater, ³	12	"	"	"	" "	"
14,	Dugan, ⁴	12	"	"	"	" "	"
23,	Scalon, ⁵	20	"	"	"	" "	"
26,	Pettes, ⁶	10	"	"	"	" "	"

OFFENCE AND REMARKS. {
¹ Impudent and defiant.
² Talking aloud in school.
³ Talking aloud in school and drumming on his desk loudly.
⁴ Burned his shoes until they were worthless.
⁵ Sticking his penknife into Pettes, and disorderly behavior in school.
⁶ Impudence in school and resisting teacher in her punishment.

Mr. WASHBURN. Is that the ordinary blank in use?

Mr. HYDE. That is the ordinary blank, such as Mr. Hinckley made his report on in regard to the school. It is furnished to teachers to make their reports upon. Now, here is another report:—

STATE REFORM SCHOOL.—*Record of Corporal Punishment inflicted by Francis Hinckley from July 1 to Aug. 1, 1876.*

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to the punishment.	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys.	Was the effect of the punishment upon the boy good or bad.
July 10,	Thomas Kelly, ¹	15	Heavy,	Strap,	Yes,	Personally known,	Good.
12,	Richard Young, ²	6	"	"	"	" "	"
12,	John Ash, ³	6	"	"	"	" "	"
31,	James Maloney, ⁴	12	"	"	"	" "	"
25,	James Westwater, ⁵	12	"	"	"	" "	"
25,	Edwin Collins, ⁵	18	"	"	"	" "	"

OFFENCE AND REMARKS. {
¹ Impudence and neglect of work.
² Stealing fruit.
³ Neglect of work and impudence.
⁴ Stealing writing-paper.
⁵ Disorder in sleeping-hall and using and distributing tobacco.

Mr. HYDE. Well, now, let us see. In that time, you punished six times in January that year, and in July six times, and the highest number of blows you gave was twenty?

Mr. WASHBURN. Do I understand that this report was made by witness?

Mr. HYDE. It is Mr. Hinckley's report, and he had the better class of boys in the trust-houses.

Mr. PRESCOTT. I believe the Committee requested, on the first day's hearing, that they might have the record of the punishments.

Q. (By Mr. SANDERSON.) The boy named Thomas Kelly you stated to be a monitor in the Garden House. Is this the same boy?

A. No, sir; this is one of my boys. I had nothing to do with the Garden House boy.

Mr. PRESCOTT. On the first day of the hearing, the Committee requested the record-book of the punishments, etc.; I should like to ask if these papers are here, and request that they be put into the hands of the Committee.

Mr. HYDE. They are here, and will be put in at the proper time.

Mr. PRESCOTT. I should like to see them.

Mr. HYDE. If the Committee desired them, I should put them in; but I should like to put them in in regular order. I think we had better go on with the examination.

Mr. PRESCOTT. I don't desire to ask any questions in regard to them, but I would like them to be placed here at the disposal of the Committee. The Committee requested that the record-book of the punishments at the institution be produced.

The CHAIRMAN. I would assume that the record-book is at our disposal.

Mr. HYDE. It is here.

The CHAIRMAN. Very well; you can go on with the examination.

Q. (By Mr. HYDE.) When you went there, were there any instructions given you as to how you should punish?

A. Nothing definite; I had a talk with the superintendent.

Q. What did he tell you?

A. He said there were various modes of punishment used. He spoke of the strap among the rest; a punishment by confining in the lodge; a punishment by extra work, and by taking away privileges, and by taking away food, etc.

Q. Now, as to the question of punishing, these boys you punished—you exercised your own judgment?

A. Yes, sir.

Q. Now, how were these boys generally punished by you with this strap?

A. On the hand.

Q. Were any punished otherwise than on the hand?

A. Some. The two I named some time ago—Westwater and Dugan—were punished otherwise.

Q. Westwater seems to have been punished otherwise than on the hand. What was he punished on?

A. He was punished about the legs.

Q. His pants taken down ?

A. Yes, sir.

Q. Did anybody instruct you about that ?

A. No, sir.

Q. Which do you think will produce most serious injury ?

A. Punishment upon the thigh.

Q. I mean physical injury.

A. Yes, sir.

Q. You think boys are more easily injured upon the thigh than upon the hand, where there are small boys ?

A. The thigh is much more sensitive than the hand.

Q. I don't wish to know which is more sensitive, but I wish to know which you thought is more injured.

A. I think there is more danger of injury upon the thigh, because the skin can be lacerated and the hand would not be.

Q. Do you think that a blow upon the bare skin is much more severe upon the thigh than upon the hand ?

A. Much severer.

Q. What is your opinion of those boys up there ?

A. In what respect ?

Q. You said the other teachers and officers, you understood, regarded the boys as worthless and of little consequence in the institution. You made some general remark of that kind ; not in these exact words.

A. I replied to Mr. Prescott what I thought about the boys.

Q. You spoke of what the others thought about the boys.

A. The way they felt towards them.

Q. How do you feel towards them ?

A. I think they are worth an effort to save them.

Q. You felt different from the others ?

A. I think I did.

Q. You were at the riot ?

A. I was.

Q. Was that well managed,—I mean the suppression of that riot last January ?

A. No, sir ; I don't think it was.

Q. Well, what was there that was not right ?

A. The boys ought to have been stopped before they smashed the furniture.

Q. Were you there ?

A. Yes, sir.

Q. And did you stop it ?

A. I did everything I was asked to do ; I didn't take the lead of the business, because it was not my place to do so.

Q. How soon were you there, personally, after it broke out ?

A. I was there very soon after it broke out.

Q. What was the condition when you arrived upon the scene of action ?

A. The boys were smashing furniture about the school-room.

Q. At that time, did you think you could quell them?

A. I don't say so.

Q. After the water came upon them, did you think that the proper way of subduing them?

A. No, sir; I think they wasted a great deal of time.

Q. By the method used?

A. Yes, sir; the way it was applied to the boys directly.

Q. You think it might be done some other way?

A. Yes, sir; I think it might have been effected some other way.

Q. You sometimes write for the papers, don't you?

A. I think I have written some things that have been published.

Q. See if those two articles are yours? [Handing extracts from newspapers.]

A. I think they are.

Mr. HYDE. I will read these two articles [Reading]: "The following letter was written to a friend by Francis Hinckley, formerly of Maplewood, who is at present acting in an official capacity at the State Reform School at Westborough:"—

Q. (By Mr. HYDE.) What paper was that published in?

A. The "Malden Herald," I think.

[Mr. HYDE continued reading]:—

"STATE REFORM SCHOOL,
"WESTBOROUGH, MASS., JANUARY 10, 1876. }

"We took charge of the 'Peters House,' December 15. We have twenty-four boys to teach, to feed, to work, to keep clean, and, worst of all, to closely watch and keep from running away; in boy parlance, to see that they don't 'squawk.' We have some very good boys, that we can respect and trust a good deal. But these are the exceptions. Generally, they are treacherous, impudent, greedy if not gluttonous, ungrateful for any favors shown, and only susceptible and governable by fear of punishment. We find many cases where corporal punishment is indispensable and the only corrective that is yielded to. This life is no sinecure, you may be sure. I have a greenhouse to take care of and extensive and elaborate flower-beds, also a vineyard, where they have raised six tons of grapes in a season; also extensive vegetable gardening, and am general seedsman for the whole concern. This, you see, with my twenty-four boys, will prevent my rusting out. The principal work of the boys at this season of the year is bottoming cane-seat chairs, which are taken in large lots from different manufacturers. I have one of the best and most capable boys to act as monitor in the shop, and I am able to be absent a considerable portion of the six hours of their daily labor. They attend school four hours of the day. The remainder of the time is spent in play and rest. We rise at 5.30 and the boys go to bed at 7.30. Saturday afternoon, after two o'clock, is spent in play and bathing. Two afternoons in the week all the boys meet in the chapel and are taught music by a man employed especially for that purpose. On Sundays we all go to chapel twice, and the boys sing and are taught Bible lessons by a clergyman from Westborough. The boys are kept under quite rigid discipline, Colonel Shepard being a model man for superintendent of such an institution; always gentlemanly, very cautious and very firm. Over 400 boys, many of them six feet tall and much heavier than I am, from the worst and most brutal class in society, and at an age when 'blind bull power' is stronger in them than ever again, make up a dangerous element to handle if it is not done with discretion."

Q. Mr. TRAIN. Is he now representing the good boys,—those boys in the trust-houses?

Mr. HYDE. Those boys in the trust-houses, I suppose.

WITNESS. I think that is not defined.

Mr. HYDE. I wish to call the attention of the Committee to the statement that there are over 400 boys in the institution, many six feet tall, "heavier than I am," and of "the worst classes."

The CHAIRMAN. That is all included in the letter?

Mr. HYDE. It is included in the January letter.

Mr. PRESCOTT. If I understand it, this is January, 1876.

Mr. HYDE. This is January, 1876. This is after he had been in the institution two weeks; he came December 15th; this is all written after he had been two weeks.

Mr. PRESCOTT. A very short time.

Mr. HYDE. We have now one written January 27, 1877 [Reading].

"WESTBOROUGH, January 23, 1877.

"Mr. EDITOR.—Thinking that some particulars of the recent riot in the State Reform School might be of interest to your readers, I jot down a few for your disposal. I was quietly sitting in the bath-room of the Farm House on Friday evening, January 12, when at a little after six o'clock I was called out and notified that I was wanted at the main institution to help suppress a riot. Disposing of my 32 boys as rapidly as possible, so that they should be safe in my absence, I started for the main building, which is three or four minutes' walk from the Farm House, which I occupy. Arriving there I found the boys of the first and second schools, about 100 in number, were in undisputed possession of their school-rooms, and were rioting in the fullest sense of the term. The two rooms are connected by folding doors, are in the second story, and directly over the third and fourth schools. The boys were yelling like demons, while throwing about and smashing everything movable in the rooms. The windows and iron gratings that covered them were smashed out by the aid of settees used as battering rams, and the settees hurled into the yard where the officers were standing. The superintendent had made a fruitless attempt to quiet them by firing several shots from his revolver over their heads. They were wild and furious. Teachers' desks were smashed and thrown at the officers; clocks, cabinet organs and everything within reach shared the same fate. I received a part of a desk and seat upon the back of my neck and shoulders while I was aiding in getting the four-inch hose-pipe to bear upon them. We soon had two streams going into the windows, one on each side of the building, throwing the water entirely across the room and out of the opposite windows. But this had no effect to quiet them. Some were able to avoid the water by crowding into a little room where the Sunday clothing was kept, others forced their way through a small scuttle into the attic, and were not touched by the stream.

"But the water was kept pouring into the rooms, and when one of the rioters came in sight he was instantly met by the forcible stream of icy-cold water, and was sure to beat a hasty retreat. Some of them made their way to the roof through the ventilator. But as that part of the building had not been forgotten, it was covered with a sheet of ice before they reached it, and escape that way was impossible. And in this way they were held in the building until they were, for the most part, chilled through and everything about them wet, cold and comfortless. Then the hose was taken up the stairs to the door leading into the rooms which they had barricaded with furniture, but which was soon opened wide enough to let the stream directly upon them, whereupon they rushed into the wardrobe and shut the door, except those who had got into the attic.

The upper panels of the wardrobe door were knocked out, and we then had them at close quarters, and they got such a showering as they will never forget. They screamed and cried for mercy as loudly as they had recently yelled out their defiance. The superintendent and myself entered the room and selected the leaders of the outbreak and passed them out to the number of twenty-five, and they were passed along the line of officers and citizens who had assembled to help, to the cells where they were locked up. Then the rank and file were passed out in line to their dormitories, where they were glad to get out of their cold and wet clothing into dry beds. The riot was thus hydropathically treated and suppressed, and not a boy escaped, and no one was seriously injured. The only person who was injured at all was a young man who had recently taken the position of teacher in the third school. He was struck on the head by a bowl which was thrown at him in the supper room; previous to the riot in the school-rooms, which made an ugly cut in his head just above his forehead, and which bled profusely, covering his face and person.

"There were ninety-seven bowls thrown at the officers in the supper-room, but Mr. Davis was the only person injured, and was able to attend to his usual duties next day. After this brisk firing of bowls in the dining-room, which was after the boys had taken their supper, they rushed into the yard, and were soon collected in the school-rooms as usual, where the subsequent riot, or second part of it, was enacted. The boys obtained possession of the school-rooms in this wise: There was only one person in charge of each school. The boy Collins gave a whistle, when several who were in the plot started for the officers in charge with skates in their hands, one end of the strap being fastened to the wrist. Others turned off the gas at the same time, and then began a simultaneous throwing of books and slates at the officers. But it was dark in the rooms, and the officers slipped out by a side-door and locked the miscreants in. Then the riot went on at a merry pace, and everything movable was smashed without mercy. The leaders of this outbreak, to the number of fourteen, have been presented to the grand jury of the county, and are doubtless indicted. This outbreak has been expected a long time, and may be repeated almost any day, although those who were believed to be the most dangerous boys are now secured. But there is still, and will be, a desperate and dangerous element among them, ripe for anything. They are the depraved children of the paupers and criminals of the Old World which fill our prisons, poorhouses, hospitals, and other charitable institutions everywhere, swelling our taxes and disgracing our civilization. Thank fortune, there is this benefit from the crushing prostration of the business world; to wit, this wretched tide of criminal emigration is discouraged and nearly ended. The boys engaged in this riot will range from fifteen to twenty years of age, are very robust, healthy and strong, and full of desperate energy, and in the last resort can only be controlled by violence. Their plan in this riot was to overcome the officers in charge, take their keys and escape, and if they could have kept cool enough to have carried out their plan, I see no reason why they might not have succeeded. The Collins boy, who started the riot, was under my care, and worked on the farm with me in the summer. Did very well outwardly, but I soon saw and felt that he was having a bad influence on the other boys; that he was reckless and dangerous, and I turned him into the institution again.

F. H."

Q. (By Mr. HYDE.) One other thing, Mr. Hinckley. Do you know how that got into the "Springfield Republican"?

A. No, sir.

Q. Did you furnish it to anybody?

A. I wrote out a statement of which I think that is a part.

Q. To whom did you give it?

A. I gave it to Mr. Sanborn.

Q. Frank B. Sanborn?

A. Yes, sir,—Frank B. Sanborn.

Mr. SANBORN [who had just entered the room]. Mr. Chairman, I am not accustomed to so much applause.

Q. (By Mr. HYDE.) When did you hand that to Mr. Sanborn?

A. I cannot tell the date.

Q. About when?

A. Well, it is within three weeks, I should think.

Q. Did you furnish the papers this morning read by Mr. Prescott?

A. Yes, sir, I wrote those, I think.

Q. Did you hand them to Mr. Prescott personally?

A. I can't remember whether I did or not.

Q. If you didn't, to whom did you hand them?

A. I may have handed them to my friend, the member from Malden, Mr. Hartshorn.

Q. Did you ever request that they should not be furnished to the whole Committee?

A. I think not.

Q. When you parted with them, did you seek to exercise any restraint upon them?

A. I understood they were for Mr. Prescott's use, and not for any public use.

Q. Did you understand that they were for his use individually, or for the use of the Committee?

A. For his use individually, as I understood.

Q. And that he was not to furnish them to the Committee?

A. I didn't suppose that Mr. Prescott would let them go out of his hands, without my permission.

Q. Were you ever applied to for permission to hand them to the Committee?

A. Yes, sir.

Q. By whom?

A. By Mr. Hartshorn.

Q. Did you consent, or object?

A. I told him I didn't have any serious objection.

Q. What was your purpose in writing them?

A. The purpose was to have an investigation.

Q. Did you think the investigation would be helped if they didn't go to the whole Committee?

A. I didn't know the whole Committee, but I did know Mr. Prescott.

Q. Why did you restrict Mr. Prescott not to hand them to the Committee, if you didn't object to one of the Committee having them?

A. I supposed Mr. Prescott would furnish it from the items.

Q. You supposed he would furnish it?

A. Yes, sir.

Q. I understood you to say just now that you supposed he would not inform the Committee of them?

A. You misunderstood me.

Q. Well, what did you state?

A. I supposed he would not give the papers to the Committee; I supposed he would bring out the facts for investigation.

Q. Did you expect he would furnish those papers to the Committee of which he was a member?

A. I supposed it would be natural for the Committee to know the contents of the paper in substance.

Q. What objection had you to his communicating to the Committee the contents of the paper communicated to him, if you were really seeking to have this matter investigated?

A. I supposed he would communicate the substance of that to the Committee.

Q. What objection had you to his handing them to the Committee, if your desire was to have this matter investigated?

A. I had not thought of that matter at all.

Q. Why did you expect he would not hand them to the Committee?

A. Because it was a matter of private information furnished to him by me.

Q. Did you furnish them to him as a member of this Committee, or individually?

A. As a member of this Committee.

Q. Why did you wish to furnish the writing just to one member of the Committee and not to the whole Committee? Did you expect him to read it to the Committee?

A. I supposed it would be known to the Committee by his questioning witnesses; I supposed it to be a private memorandum to aid him in calling out facts.

Q. Why didn't you wish to aid the whole Committee?

A. I was not acquainted with the whole Committee; I supposed one as good as the whole.

Q. Are you acquainted with Mr. Prescott?

A. Yes, sir.

Q. How long have you known him?

A. I can't tell how long; I can't give just the moment.

Q. Ever know him before the Legislature commenced?

A. No.

Q. How did you happen to know him?

A. I was introduced by the member from Malden, Mr. Hartshorn.

Q. Had you any previous acquaintance with him before that?

A. No, sir.

Q. How long after the introduction did you hand him the papers?

A. I don't remember that I handed them to him at all, nor can I remember when I handed them to Mr. Hartshorn.

Q. How long after you met Mr. Prescott did you hand him these papers?

A. I cannot state definitely.

Q. About how long?

A. A few days, I should say.

Q. Can you fix definitely when you first met Mr. Prescott?

- A. I think about the time this investigation was called for.
- Q. Can you fix the date of that?
- A. It is not far from the first of February, I should say.
- Q. About the first of February. Where did you make the statement to Mr. Prescott?
- A. At his office.
- Q. What day of the week was it?
- A. I should think it was on Monday.
- Q. On Monday. You were then an officer of the institution?
- A. Yes, sir.
- Q. How happened you to be down here?
- A. I came down at the request of my friend.
- Q. Mr. Hartshorn?
- A. Yes, sir.
- Q. Had you previously talked with him?
- A. I had.
- Q. Then he requested you to come down. Did he tell you what he wanted you to come for?
- A. He wanted I should come to give information upon this matter, if I had it.
- Q. That is the reason you came down?
- A. Yes, sir.
- Q. At that time, so far as you know, had this Committee any information, or formed any opinion, in regard to the school or to its discipline?
- A. I had heard that they had.
- Q. Had there been any of the Committee up there at that time?
- A. I think there had.
- Q. There had been some Committees up there?
- A. Yes, sir.
- Q. How long before?
- A. Some days before.
- Q. Who had been up there?
- A. I do not know, sir.
- Q. You did not see them?
- A. No, sir.
- Q. Now, you say you went down to Mr. Prescott's office with Mr. Hartshorn?
- A. Yes, sir.
- Q. Did you tell him in substance what is contained in those papers?
- A. I think I did.
- Q. Then, afterwards, you wrote that out?
- A. Yes, sir.
- Q. And you gave it to Mr. Hartshorn?
- A. I think I gave it to Mr. Hartshorn.
- Q. What did you request Mr. Hartshorn to do with it?
- A. I gave it to him to give to Mr. Prescott, if he chose.
- Q. Well, you understood he would do that, did you?
- A. Yes, sir.
- Q. When did you first see the papers?

A. I do not know that I have seen them until now.

Q. Now, you say that although you furnished it to Mr. Prescott, as a member of the Committee, you did not expect him to show it to the Committee, nor read it to the Committee, but to ask questions about it, and that they might therefore infer that some one told him so?

A. Yes, sir.

Q. What objection had you to his communicating it to the Committee; you believed it to be true, didn't you?

A. I did.

Q. What objection had you to the Committee knowing the truth?

A. None.

Q. Then, why did you expect that he would not hand it, or read it, to the Committee? What reason had you for expecting him to withhold from the Committee the communication made by you?

A. I had made it to him in the nature of a private statement at a private interview, and I supposed, if he thought it desirable to have it made public, that he would ask my permission.

Mr. PRESCOTT. You asked why he expected me to withhold it from the Committee. I would state, as a matter of fact, that I think it was the very day—I think it was on the Monday—that I made a statement in the Committee that certain statements had been made to me in regard to the matter, and I hoped the report, about then ready to be put in, would not be put in until I had made further investigation. I think it was on that very day that I sat down with the Chairman of the Committee and showed to him every word of this in writing. I say that for myself.

Mr. HYDE. I am not seeking to criticise you. I want to know his reason why he wanted to withhold it from the Committee.

Mr. PRESCOTT. I did not understand that it was to be withheld from the Committee.

Mr. HYDE. That is his suggestion.

Mr. PRESCOTT. The fact is, a suggestion was made that we should go to Mr. Denny's office that day. They were immediately put before Mr. Denny after the Committee adjourned.

Mr. WASHBURN. It seems to me, that as we have got the witness under oath, we had better go on examining him.

Q. (By Mr. HYDE.) I want to know, Mr. Hinckley, why you were not willing to have those charges put before the Committee?

A. I believe I have not said I was not willing.

Q. Why didn't you expect him to?

A. For the reason I have said, that it was a private communication from me to him.

Q. Why were you willing to make a private communication to a member of the Committee that he should not make to the whole Committee?

A. I did not expect it. I said I expected he would make known to the Committee what the papers contained.

Q. Why didn't you expect him to present the papers?

A. I had not definitely thought about that, anyway. I only had the feeling, as I handed those memorandums to Mr. Prescott, that they were

for his use, and I did not suppose that they would be made public unless I should be asked if I was willing to make them public.

Q. I asked whether you were unwilling to communicate to the whole Committee what you made to Mr. Prescott?

A. I was not unwilling.

Q. Why did you then to him, and not to the Committee?

A. For the same reason I said before—that I knew Mr. Prescott, and did not know the Committee?

Q. You only met him once?

A. Yes.

Q. What reason had you in view, that you should communicate with Mr. Prescott and not with the whole Committee?

A. I had the same reason as I have said—I had no objection to communicating with the Committee.

Q. What reason can you give?

A. Only for the reason I have given—that I handed them to Mr. Prescott as between man and man, not having any idea of making them public; but I had no objection to the Committee's knowing what was in them, however.

Mr. PRESCOTT. I would suggest that it is only about 40 minutes before the House meets, and that we should get through.

Mr. HYDE. I will read that communication from the "Springfield Republican," and then conclude.

The CHAIRMAN. Proceed.

Mr. HYDE [reading]:—

"The Reform-School Scandal.—Pictures of the Westborough Discipline whose Truth is Substantially Admitted.

"[From the statement of F. Hinckley, master of the Farm House.]

"But in an institution where a boy is flogged three times on the bare back for one offence, and until he faints, and then sent to the house of correction for the same, as was Fitz-Gibbons, is it strange if a spirit of revenge should be generated in that boy sufficient to lead him to violent conduct, and to escape from the institution as he did, after serving out his sentence in the house of correction? When boys are confined in the lodge, on bread and water for nine weeks, without their clothing, for attempting to escape, as were Turner, Quinn, and Goss, is it strange that they should have a hand in the riot of January 12? And is it strange that many another boy who has been flogged on the bare back until his skin was welted and marked from shoulders to heels in a manner that would have disgraced a Southern plantation in the palmiest days of slavery, should have been ready to join in the riot? Miller was flogged, in this way by the superintendent, for swearing. Sullivan and Flynn and Hector by officer Rawson, for whispering when at work in the shop, were stripped naked and flogged with an old trace until their backs were a horrid sight. Kelly and Sullivan were flogged by Assistant Superintendent Wood, for a supposed attempt to take a piece of meat from a table which they were passing,—flogged on the bare back in an inhuman manner,—leaving cruel marks which were noticeable for more than a week. These are but a few of hundreds of cases which have occurred and are constantly occurring at the institution. I know the difficulties of getting facts of this kind; but the Committee knew of the above cases, and examined several of the boys' backs—adding the evidence of their own sight to the statements made. Boys fear to tell of their treatment in many cases, and the officers intend to have no other witnesses of their

inhuman beatings present. Any officer who reveals the facts, is in peril of losing his position, because it would bring odium on the institution, and, of course, he will not criminate himself. Thomas Gartland committed suicide at the institution in January, 1876, after being unmercifully flogged on the bare back, and put in the lodge with the promise of more flogging by the superintendent, which he escaped by hanging himself. Boys have been kept under the torture of the sweat-box, in many instances, until they have fainted and fallen on being taken out. In summing up the causes of the riot, I should agree with the Committee so far as to say that they are threefold: first, revenge for cruel treatment; second, a desperate state of mind from long confinement; third, a determination to get out of it, even at the risk of getting into the house of correction, where they say they are treated much better."

Mr. ALLEN. The date.

Mr. HYDE. The date isn't here.

Q. (By Mr. HYDE.) How did it happen that you communicated this to Mr. Sanborn, when you say you didn't communicate it to the Committee because you didn't want the public to know it?

A. I was asked for a statement for Mr. Sanborn.

Q. Did you request him not to communicate it to the public?

A. No, sir.

Q. Did you understand he was going to communicate it to the public?

A. I did not.

Q. What did you understand?

A. I understood—by the way I did not make the statement to Mr. Sanborn, but Mr. Sanborn requested to see me and I went to see Mr. Sanborn and showed him the statement which I had made for another person.

Q. What statement did you show him?

A. I showed him the statement that was in the hands of Mr. Bird.

Q. Then you had made a statement to Mr. Bird?

A. Yes, sir.

Q. In writing?

A. Yes, sir.

Q. You have got a copy of that?

A. No, sir.

Q. And that you communicated to Mr. Bird not with the expectation that Mr. Bird would communicate it to the public?

A. Mr. Bird said he did not want it for public use. I supposed the facts stated would be made public; I didn't suppose the writing in itself would be made public.

Q. Did you communicate it to Mr. Bird for the purpose of making it public?

A. I communicated it to Mr. Bird, at his request, to aid him in the investigation.

Q. Now, when you communicated it to Mr. Sanborn, did you expect it was going to be made public?

A. No, sir.

Q. Did you request him not to make it public?

A. I didn't expect it would be made public in that form. I supposed Mr. Sanborn might make it public in his own way.

Q. What did you understand his own way to be?

A. I supposed he might gather from that, material, perhaps, to make an article for a newspaper.

Q. And you expected it would be used for a newspaper article?

A. Yes, sir; I thought that might be the case.

Q. Now, you say the article contains the substance of what you communicated?

A. I think it does.

Q. Was it in your language?

A. I think the whole of it is in my language.

Q. Your language?

A. I think so.

Q. You expected he would use it in that way?

A. Yes, sir; I expected he would communicate the substance of it.

Q. And you say you were not willing that the Committee should have it, because you were afraid it would become public?

A. I think not, sir.

Mr. HYDE. I should like to refer to those notes.

Mr. SANBORN. I would say to Mr. Hyde, that if he wishes to bring out the facts, and not simply to confuse the witness, he had better put me upon the stand.

The CHAIRMAN. Yes, sir; we will have you by and by.

Mr. HYDE. We want to get at the real reason. [To witness.] What is the real reason you didn't want the Committee to see this paper?

A. I believe I have stated it.

Q. What real reason have you?

A. None but what I stated.

Q. Why didn't you want Mr. Prescott to read or hand that paper to the Committee?

A. I believe I did not say that I didn't want him to read or hand it to the Committee.

Q. Well, why not?

A. For the reason I have stated; because I handed it to Mr. Prescott as a private matter, and I didn't suppose he would use it in a public way—that is, communicate the writing itself without permission from me.

Q. Did you say he ever applied to you?

A. I have been applied to.

Q. When?

A. Within a day or two.

Q. Were you ever applied to within a day or two till this week?

A. I don't know that I was.

Q. Will you say that until within a day or two you have never been applied to for permission to use that?

A. No, sir.

Q. Did you ever object to its being used in any way?

A. No, sir.

Q. Did you ever say to any one that you didn't want it used?

A. No, sir.

Q. At the time you handed it to him, did you so state that expectation to him?

A. No, sir.

Q. You didn't communicate to him in any way your expectation that he shouldn't read it or hand it to the Committee?

A. No, sir.

Q. Why didn't you suppose he wouldn't use it for some purpose of the kind?

A. The reason, as stated, was, that I gave it to Mr. Prescott as a memorandum to guide him in the investigation, for his use personally, and that he would use the substance of it as he pleased; but the writing itself was for his private help.

Q. Why did you wish to guide Mr. Prescott, and not guide the whole Committee?

A. I hadn't been asked for help by the whole Committee, or for a writing by the whole Committee.

Q. At this time, had you let the Committee know you knew anything?

A. No, sir; I had no opportunity. I considered Mr. Prescott the Committee.

Q. Why didn't you expect he would read the paper to the Committee, or hand it to them?

A. For the same reason I have stated,—that I gave it to Mr. Prescott as a memorandum to guide him in the investigation. I understood that he was to give them the substance and keep the paper; that it was a private matter so far as the paper was concerned, and that the substance of it was to be used.

Q. Did you understand he would state where he got the information?

A. Nothing was said about it.

Q. What did you expect,—that he would state it to the rest of the Committee?

A. I should presume he would.

Mr. PRESCOTT. With the permission of the Committee, I would like to ask one question of the witness before the Committee adjourns.

The CHAIRMAN. You may ask the question.

Q. (By Mr. PRESCOTT). Did you put these papers into my hands as an aid to this investigation of the institution?

A. I did.

Q. Didn't I tell you at the same time that I should immediately transmit these facts to the Committee?

A. I don't know that you did.

Q. Did you put any ban of secrecy upon me in regard to the matter?

A. I did not.

Q. Didn't I then suggest it would be well to go to the office of the Chairman of the Committee in regard to this matter?

A. I think you mentioned that.

Q. (By Mr. HYDE.) One single question. Was any application ever made that copies of this paper be furnished to the Committee by you?

A. Not to my recollection.

Adjourned to to-morrow at 10 A. M.

FOURTH HEARING.

FRIDAY, March 30, 1877.

Senator DENNY in the chair.

The CHAIRMAN. We are now ready to proceed with the further examination of Mr. Hinckley.

Dr. HARVEY. Mr. Chairman: If it would be in order, I would like to call attention to an error in the evidence of Tuesday, as given by myself, upon the stand. I have conferred with the stenographer, and he has referred to his notes and states that it is an error in print. On the 16th page, in my evidence—

The CHAIRMAN. Will you pause a moment, Doctor? I suppose it will be more satisfactory to the Committee, and to every one, to have the fact confirmed by the stenographer; if he states that it is an error, that, of course, confirms it.

[The stenographer stated that Dr. Harvey had pointed out to him a sentence in the printed evidence which did not precisely correspond with his notes.]

Dr. HARVEY. The sentence now reads, that the trustees "favor the idea that the boys should be punished upon the thighs and back, rather than upon the buttock." It should read, "upon the thighs and buttock, rather than upon the hand." On the 24th page, in a question asked by Mr. Allen, the word "sent" he did not include in his question; his question was,—

"About what is the average of the boys there?"

I have conferred with Mr. Allen in regard to this, and he agrees with me. You will see that the answer refers to the boys there, and not the boys sent there.

Mr. PRESCOTT. Can I ask Dr. Harvey a question, Mr. Chairman?

The CHAIRMAN. Is it new testimony?

Mr. PRESCOTT. No; it bears upon a point in the case.

The CHAIRMAN. Well, there is no objection to it, only we do not want to open up his testimony again now.

Mr. PRESCOTT. I want to ask him just one question.

The CHAIRMAN. Dr. Harvey, a member of the Committee wants to ask you a question. We do not want to open up your testimony again, and I presume Mr. Prescott does not intend to do it.

Mr. PRESCOTT. I do not desire to do it. I want to ask you, Doctor, this question, When did you last see the strap which you took from the committee-room during the previous investigation?

Dr. HARVEY. The last time I saw the strap, to my knowledge, was when I took it from the room. What I did with the strap, I said under oath, I did not know.

Mr. PRESCOTT. I have nothing further.

The CHAIRMAN. Mr. Hyde will proceed.

Continuation of Mr. Hinckley's Testimony.

Q. (By Mr. HYDE.) Did you communicate what was in the article in the Republican or in the papers you handed to Mr. Prescott in substance to any other persons except those you mentioned yesterday?

A. I think not.

Q. Did you write any other letters while you were at the school which have been published in regard to the affairs of the school other than those two which were read here yesterday?

A. I think not. One of those was published, I think, as a private letter.

Q. But it was published?

A. It was published.

Q. I mean letters that were published?

A. Those were all.

Q. Now, as I understood you yesterday, in regard to these charges, the boys whom you say were improperly treated were Watson, Gartland, Fitz-Gibbons, Goss, Turner and Quinn. Now, which of these was first punished, in order of time, I mean, of these six boys?

A. The first punishment I knew of after I went to the institution was that of Fitz-Gibbons.

Q. Then of these six you speak of, the first one you refer to in order of time was Fitz-Gibbons?

A. Yes, sir.

Q. When was that?

A. Very soon after I went to the institution; I do not know the precise date.

Q. Well, I do not ask you as to the exact date; which month was it?

A. I should think it was in January; it might have been in December.

Q. Now, as I understood you yesterday, the trouble for which Fitz-Gibbons was punished was when he and Jones assaulted Mrs. Moore?

A. Yes, sir.

Q. Were you present at the time of the assault on her? At any time did you see these boys?

A. I saw Jones very soon after.

Q. Yes; but I mean at the time of the assault?

A. No, sir.

Q. Then, whatever they did to Mrs. Moore, you, personally, do not know?

A. No, sir.

Q. All you know is what you have heard?

A. That is all.

Q. Now, were you personally present at any punishment inflicted on Fitz-Gibbons?

A. I was not in the same room.

Q. And all you knew of what was being done was hearsay?

A. That is all.

Q. Now, at that time, did you have the same opinion of that punishment that you have now?

A. At that time I had no reason to believe he was punished three times for that offence.

Q. Then it was not the punishment that you heard, that you testified about yesterday, that you thought was wrong; it was the other two that you did not hear?

A. I testified in regard to the punishment I overheard.

Q. What did you think of the punishment you overheard?

A. I thought it was severe.

Q. You seem to have said that all the punishments are severe?

A. Yes, sir.

Q. Well, when you say severe, do you mean too severe, brutal and inhuman? I want to get what your idea was at the time.

A. I do not think I can tell you precisely; I did not see the precise effect upon the boy. I did not see the punishment administered, and did not form so definite an opinion about it as I should have done if I had seen the effect upon the boy, and known the precise circumstances. I thought it was a severe punishment, and a hard punishment.

Q. Well, in all that you have reported, you have reported them to be severe?

A. Yes, sir.

Q. But you thought all your punishments were justified, when you knew all the circumstances?

A. They might have been justified.

Q. Well, you thought they were?

A. I thought they were at the time.

Q. Well, now, when was the next punishment?

A. I do not know.

Q. Who punished him next?

A. I do not know, only as I have heard.

Q. Well, I mean what was your information?

A. My information was, that he was punished three times. The punishment I heard was one of the three which he received.

Q. Well, which one was that?

A. I understood it to be the first.

Q. Then you say the one you heard was the first one. Now, when, as nearly as you can state, was the next one?

A. I do not know the time.

Q. When did you first hear of it?

A. I should think two or three days afterward. I say that he received three punishments.

Q. Then, two or three days afterward, you heard that he had received other punishments. Who told you?

A. Mr. Chase told me.

Q. For what offence?

- A. The same offence.
- Q. Did he tell you who punished him?
- A. He did not.
- Q. Have you ever learned?
- A. I have heard.
- Q. I mean, from any information you have received?
- A. I have heard that Mr. Chase said that he punished him himself.
- Q. For that offence?
- A. No; he gave him one of three punishments, at any rate.
- Q. Who gave him the third?
- A. I do not know.
- Q. Have you ever heard?
- A. I have not heard the name of the person.
- Q. Did Mr. Chase tell you he ever gave him one of these punishments?
- A. No, sir.
- Q. Who did?
- A. Mr. Phillips said that Mr. Chase told him.
- Q. Did you know any of the circumstances; have you been informed as to the second punishment?
- A. I have not.
- Q. Or the extent of it?
- A. I have not.
- Q. Or the character of it?
- A. I have not.
- Q. Or anything about it beyond that general statement?
- A. Only that it was corporal punishment; that it was whipping or flogging.
- Q. That is what I want to get at.
- A. That was the understanding.
- Q. Well, now, it was within two or three days after the assault occurred that you learned these facts in regard to Fitz-Gibbons?
- A. Yes, I learned them all from Mr. Chase.
- Q. Well, it was about that time that you learned all that you know about it?
- A. No, sir; what I learned from Mr. Phillips about it I learned later.
- Q. Well, how late was it that you learned anything about it from Mr. Phillips?
- A. I cannot tell; about a month later.
- Q. What did you learn from Mr. Phillips in addition to what you learned from Mr. Chase?
- A. Mr. Phillips told me that Mr. Chase told him that Fitz-Gibbons was punished by the superintendent and by himself, and he believed by a third person.
- Q. Well, I understood you to say a moment ago that Mr. Chase told you that he was punished twice?
- A. Yes, sir; only he did not tell me in just that language.
- Q. But in substance that?
- A. Yes, in substance that.

Q. Well, did Mr. Phillips inform you of more than that?

A. Yes, sir.

Q. Mr. Phillips added nothing to your previous knowledge?

A. I think he told me that Mr. Chase said that he punished him until he was tired, and then punished him again, and that the same was true of the superintendent.

Q. Well, how many punishments did that make, do you understand? You have been a teacher; let us have a little arithmetic about it.

A. They were counted as two punishments, and then there was a third.

Q. Well, I understand you to say that the superintendent punished him twice, and Mr. Chase punished him twice, and then he was punished by a third party?

A. Yes, sir.

Q. Then, that would make more than three?

A. It would, if you counted each time a punishment. The understanding was, that he was punished by three persons, and that they punished him until they were tired, and then rested and punished him again.

Q. Well, how long an interval of rest did you understand there was?

A. I did not understand; I was not informed.

Q. When was it you had this conversation with Mr. Phillips?

A. I cannot tell precisely; I should think within a month of this time.

Q. Then you say, that you learned from Mr. Chase, that there were three punishments inflicted upon Fitz-Gibbons. At the time you learned these facts, did you think the boy had been unduly punished?

A. I did.

Q. That was your opinion then?

A. It was.

Q. Why did you not report it to the trustees?

A. I did not feel called upon to do it.

Q. When did you feel called upon to report this matter to anybody? When did your conscience become quickened upon that point?

A. When the Legislature called for an examination.

Q. Well, up to that time, you had not felt called upon to say anything to anybody about it?

A. Oh, yes, I had spoken about it.

Q. To whom?

A. To Mr. Hartshorn of Malden.

Q. To anybody else?

A. Yes, I think I had.

Q. To whom?

A. I cannot tell; I talked about it with other persons.

Q. Why did you not mention it to the trustees?

A. I do not know of any reason, except that I did not feel that it was my duty to do it.

Q. Why did you think it was your duty to commence with Mr. Hartshorn?

A. Well, I did so in familiar talk.

Q. Do you mean to say, you did not regard it as one of your duties, as a teacher, if you saw abuses going on, which in your judgment, as you

now would say, were inhuman and brutal, it was not your duty to report them to the trustees?

A. I was not there as a teacher.

Q. In whatever capacity you were there, you were paid by the State?

A. Yes, sir.

Q. And the men whom the State had put over it to look after it were the trustees.

A. Yes, sir.

Mr. SANBORN. I would like to ask Mr. Hinckley one question.

The CHAIRMAN. Before you ask it, it would be well enough to know what the purport of the question is.

Mr. SANBORN. Whether the trustees ever made it a part of his duty to report to them?

Mr. HYDE. At the proper time everybody will have a chance to ask questions.

The CHAIRMAN. That will come in at another time.

Q. (By Mr. HYDE.) Now, I want to know if you saw this, why you did not report it yourself to the trustees?

A. It never occurred to me as the proper thing to do.

Q. Then it never occurred to you that if you saw anything wrong in that institution the trustees were the proper men to report it to?

A. No, sir; I only made reports to the superintendent.

Q. Did you ever say to the superintendent, in reference to it, that you thought it was wrong or improper?

A. No, sir; I supposed the superintendent knew all about it himself, and did not care for my opinion.

Q. Well, now, who was the next boy of these six in the order of time?

A. Will you be so kind as to name the six?

Q. Well, you have not forgotten those you have named in your charges, have you?

Mr. SANBORN. I submit that is a very unusual question to put before a witness without naming the boys.

Mr. HYDE. Well, a man who has been over this so many times might, I think, have some recollection. I am speaking of Fitz-Gibbons, Watson, Gartland, Goss, Turner and Quinn; and I ask, who comes next in order of time among those boys who were punished?

A. I do not know; I should think Gartland came next to Fitz-Gibbons, according to the best of my recollection.

Q. Well, Gartland came next. By the way, how old was Fitz-Gibbons?

A. I do not know his age.

Q. Did you ever see him to know him?

A. No, sir.

Q. How about Gartland: do you know how old he was?

A. Nineteen or twenty, I believe.

Q. Did you ever see him to know him?

A. I think I did not until after he was dead.

Q. Did you see the boy after he was dead?

A. I think I saw his face.

Q. Anything more?

A. Nothing more.

Q. Now, what did you personally know in regard to him?

A. Nothing.

Q. Then you personally knew nothing about him?

A. No, sir.

Q. Now, from information, who did you understand flogged him?

A. I understood the superintendent flogged him.

Q. The superintendent?

A. Yes, sir.

Q. Anybody else?

A. Only as I have stated what I heard from Mr. Chase and Mr. Phillips.

Q. Well, I want you to state it now in direct testimony. I want this in a regular way. I mean at this time, not at that time when the superintendent flogged him. You make certain charges that Gartland was flogged, and that he was told that he was to have more, and that he went away and committed suicide. I am speaking about affairs which happened at that time, and you say you understood that the superintendent flogged him?

A. No, sir, I did not intend to say that. I think I had the Gartland matter confused with Fitz-Gibbons when I answered before. I do not understand that the superintendent flogged him.

Q. Who do you understand flogged him?

A. I understand that Mr. Rice, the teacher, flogged him.

Q. Who told you?

A. I think the boy Crowley told me.

Q. What is his full name?

A. James Crowley.

Q. Was he one of your boys?

A. Yes, sir, he was subsequently; he was in the institution at the time.

Q. When did he tell you, or about when?

A. I cannot precisely tell, but a good while ago—months ago.

Q. Well, how long after the occurrence, or about how long?

A. Well, it might have been three months after. When he came to the Peters House,—I do not remember definitely the time,—something brought up a conversation in reference to Gartland, and he told me that.

Q. Now, what was the boy Crowley's reputation for truth in the school?

A. Well, much the same as the boys in general; it would depend upon circumstances. We should always consider and ascertain the motive for telling a story, in order to judge of the truthfulness of it. We were not in the habit of placing implicit reliance upon boys' statements.

Q. Have you ever known him to be punished for falsehood?

A. Yes, I have since; I had not then.

Q. Was he punished when he was under you, for falsehood?

A. Yes, sir.

Q. Who punished him?

A. Perhaps I should modify that; I punished him by sending him to the dormitory,

Q. To the dormitory, or to the lodge?

A. To the dormitory.

Q. Did you punish him more than once for falsehood when he was under you?

A. I did not.

Q. Do you know anything more about this flogging Gartland received than what he told you? Were you informed of anything else except what he told you?

A. I do not distinctly recollect; I am under the impression that I heard it from others.

Q. Well, name any others.

A. I cannot name them.

Q. Now, you say that in addition to that, beefsteak was applied to his back. Do you know that?

A. I have said Crowley said so.

Q. You do not use Crowley's name?

A. I say "the boys."

Q. You say, "No inquest was held. But fearing one, beefsteak was applied to his back to remove the marks of the flogging,—so say the boys." Now, did you have any other information except that you received from Crowley?

A. No, sir; not as to that.

Q. That was all based on what Crowley told you?

A. Yes, sir.

Q. Now, we have got Fitz-Gibbons and Gartland. Now, the next of these remaining four— O, when did you learn this from Crowley?

A. Well, he has repeated the statement at a number of different times.

Q. When was the earliest time?

A. I cannot tell.

Q. About when; I don't mean the exact date, of course?

A. I cannot tell; I do not remember the exact date. He was sent to me in the summer or spring; I think it was in the spring.

Q. Then you knew these facts last spring, in substance; whatever you now know you knew then?

A. Yes, sir.

Q. Did you ever report this to the trustees?

A. No, sir.

Q. Did you ever bring the facts in relation to Gartland before a committee of the Legislature?

A. I presume I did.

Q. Well, do you recollect any one to whom you stated them?

A. I do not, distinctly.

Q. Now, do you know whether a coroner was notified at the time the boy died?

A. I do not.

Q. Now, the next of these boys in order, of the four remaining,—

Watson, Goss, Turner, and Quinn. Who was next punished in order of time?

A. I should think Watson.

Q. Now, did you personally know anything about the punishment of Watson?

A. I did not see it; I only say what I heard about it.

Q. Now, who told you about that?

A. Mr. Wheatley told me about that, and Mr. Bigelow told me about it.

Q. Now, what did they tell you?

A. I think Mr. Bigelow told me that he knocked the boy down with his strap, hitting him in the face,—that he brought him down two or three times, I think he told me; and Mr. Bigelow told you, that he knocked him down with a chair.

Q. Well, what did you understand he was punished for?

A. I understand that he was resisting Mr. Wheatley.

Q. In what manner?

A. Trying to get away from him, I understand.

Q. What do you understand he did?

A. He drew out one of these chair-seating awls. I understood that he had got away from Mr. Wheatley and got a long awl. I did not understand that he used it upon Mr. Wheatley.

Q. Well, don't you understand that he had this chair awl and was trying to overcome some one there?

A. Yes, sir.

Q. Describe this awl?

A. It is an awl the boys use in seating chairs. They are rather less than a quarter of an inch in diameter, and of different lengths. Sometimes they are three and four inches long.

Q. Well, are they sharp?

A. The point is usually sharp. They are flattened, something like a screw-driver.

Q. Pretty sharp?

A. Pretty nearly to an edge.

Q. Well, in the hands of a desperate boy— How old was Watson?

A. I believe 20 years old.

Q. A stout boy?

A. Yes.

Q. How much would he weigh?

A. I think, I said yesterday, that he might weigh 140 pounds. I should think, on a little deliberation, that he would not be as large as that; but he was a stout boy.

Q. Well, should you consider an instrument of that kind, in such a boy's hands, a dangerous weapon?

A. I should.

Q. If he should come at you, with an instrument of that kind, you would do almost anything to defend yourself, would you not?

A. I should take almost any means.

Q. Would you knock him down, if necessary?

A. Yes, sir.

Q. Now, as I understand you, you say this is the instrument he had at the time these two officers knocked him down. Now, what was there, if he was coming at them with an instrument of that kind, improper in their knocking him down?

A. Nothing, as I perceive.

Q. Then, in that, you consider they did their duty? When a boy becomes defiant, in that way, you think he should be brought to?

A. I think it was proper that he should be brought to.

Q. With all that force?

A. No, sir.

Q. If a boy, with this dangerous weapon in his hand, came upon you, would you defend yourself?

A. I would.

Q. Now, is there anything further that you have heard in regard to that?

A. I do not know that I have anything material.

Q. When do you understand he was punished upon the back? You say he was knocked down and subjected. Now, when do you understand he was punished? You say you saw his back?

A. No, sir; I did not say that. I did not say that I saw his back.

Q. I understood you to say so.

A. You misunderstood me, then.

Q. What was it you said? I understood you to say, as a witness here, that you saw him after he was punished.

A. I did; but I did not see his back.

Q. O, I beg your pardon. What punishment do you understand he received then?

A. Well, Mr. Wheatley told me that he took him into a private room to punish him, and they had a desperate encounter. Finally, the boy attempted to get away from him, and had succeeded, and going out of the door, ran into the chair-shop and armed himself with this awl.

Q. When do you understand the punishment you have spoken of was inflicted upon him? Don't you have some impression about it, whether before he got the awl, or after he got it?

A. Well, I spoke of the Gartland case, and I spoke of Watson's case, because of the appearance of unjustifiable punishment. I do not pretend to define when and where it was. I only name the fact of his appearance—that he had been severely punished.

Q. Then, so far as the punishment is concerned, for aught you know, it was the contest at the time he had the awl drawn?

A. Yes; I supposed it to be so.

Q. That was upon his head and face?

A. Yes, sir.

Q. Now, you say in your charges, that he was beaten about the head several weeks before he was taken away, so that he hardly looked like a human being, etc. How long after this was it that you saw him? How long was it after this contest that you saw him?

A. I should think it was the next day. It was one or two days afterwards.

Q. Now, I understand you to say that you consider the means used after he had that awl were justifiable, and that it was the only thing the teacher could do, in substance.

Mr. SANBORN. He did not say that.

Mr. HYDE. I am not giving it exactly.

A. The impression made upon my mind was, that there was a boy who was severely battered up, and there ought to be an examination into the circumstances, and the facts ought to be known.

Q. When did this occur, or about when?

A. I cannot tell you the date; I think it was in warm weather.

Q. Well, when was it you saw the boy?

A. A day or two afterward.

Q. Why did you not report that to the trustees?

A. I think the trustees saw the boy.

Q. Well, who were the trustees that saw him?

A. I think Mr. Sargent saw the boy; I do not know that he did.

Q. Well, anybody else?

A. No, sir; I do not know that I ever heard of any other trustee that saw him.

Q. Who told you that Mr. Sargent saw the boy?

A. I cannot tell you that. Some of the officers said that Mr. Sargent was at the institution, and went down to the lodge and saw the boy.

Q. Well, that was the reason you did not mention that to anybody?

A. No, sir; that was not the reason.

Q. Well, why then did you not mention it, if you saw the boy in this condition?

A. I thought it was known, and it was not necessary for me to mention it. It did not occur to me as being my place.

Q. Well, how did it appear to you to be necessary for you to mention it to Mr. Sanborn and Mr. Prescott?

A. Because the Legislature was inquiring in regard to discipline at the school.

Q. Well, but did you not understand that the trustees were always in charge of that duty, and that it was a part of their duty?

A. I supposed it was.

Q. Well, if you supposed it was a part of their duty, why did you not inform them of it?

A. Because there were officers who could mention it to them.

Q. Well, were there special officers to inform them of such matters?

A. No, sir; I do not know as it was specially the duty of any officers to inform them.

Q. Well, if the duty rested on them all alike, it was as much your duty as theirs?

A. Well, I do not understand that it rests on them all alike.

Q. Well, it rested upon them as well as upon you?

A. I suppose it is the duty of the superintendent to report to the trustees the condition of affairs at the institution.

Q. It was your duty to report to the Committee here?

A. It was my duty to report to anybody I felt called upon to report to.

Q. Well, how was it you felt called upon to report to the Committee any more than to the trustees?

A. When the Legislature called for an investigation, I felt it my duty to report any facts which I knew of at the institution which would secure a thorough investigation of the matter.

Q. You did not feel called upon to mention these facts to the trustees?

Mr. SANBORN. I do not know what Mr. Hyde expects to prove on this line of questioning. I would like to ask this question: Whether this Committee considers it an offence either against law or morals for this or any other witness to give information to the Committee?

Mr. HYDE. The trouble has been that the Committee have not been able to get the information.

The CHAIRMAN. The chair will decide that we do not consider it an offence against law or morals for a witness to give information to the Committee.

Q. (By Mr. HYDE.) Now, you say that boys from the institution say that beefsteak was applied to remove the discoloration before he was sent to Bridgewater. How do you know that?

A. From the same boy, Crowley.

Q. Crowley told you that, and that is all you know about it?

A. Yes, sir; I put these statements down as boys' statements.

Q. Why was he sent to Bridgewater, do you know?

A. I do not know, of my own knowledge; I know he was considered an incorrigible boy, and not fit for the Reform School.

Q. Now, I understand you to say that Watson was punished over the head with a chair. Do I understand you that he was punished, except when he had that awl drawn?

A. It was during that fight.

Q. Now, we come down to the last of these boys,—Goss, Turner and Quinn,—what do you know about them? What do you know, personally, first?

A. I had no part in the matter, and do not know anything personally about it.

Q. You know nothing personally. What were you informed?

A. I was informed that there were three boys that had run away one Sunday, escaping from the roof of the building. They were taken at night, and in the afternoon were brought back and put in the lodge, and were kept there nine successive weeks without their clothing.

Q. Now, who told you this?

A. I think I saw the boys in the lodge. I was told that by different officers of the institution. I cannot say positively whether Mr. Leach Clark told me or not. He was the man that had care of the lodge, and my information came from him. Whether he told me that personally, I am not positive.

Q. Well, the first thing they did, so far as you know, was that they ran away from the institution and were brought back, and for that they were confined in the lodge?

A. Yes, sir.

Q. And when they were in the lodge, you say they were drenched with water. What size hose was used?

A. Four-inch hose, I believe.

Q. How do you know that?

A. Well, I saw the hose; I think I have seen the hose that was used for that purpose.

Mr. SANBORN. These facts are testified to by Dr. Harvey, and I submit that Mr. Harvey's evidence is of more value to the Committee.

Mr. HYDE. I agree to that perfectly.

Mr. SANBORN. I would say I would like to have an opportunity to examine Dr. Harvey to-day.

The CHAIRMAN. I do not know whether you will be accommodated or not; you will be some time.

Mr. SANBORN. I should like to do it to-day.

The CHAIRMAN. It may not be convenient to-day for you to do it, sir.

Q. (By Mr. HYDE.) Now, did you see the hose that was used?

A. I believe I did.

Q. Now, you mean, when you say four inches, that that was the diameter of the nozzle?

A. No, sir.

Q. What do you mean?

A. I mean the hose.

Q. What is the diameter of the nozzle?

A. I do not know the diameter of it.

Q. About what?

A. About an inch.

Q. Then it was a four-inch hose with an inch nozzle?

A. Yes, I should say it was.

Q. It would be quite different from a four-inch nozzle would it not?

A. Yes, sir.

Q. Now, you say here in your article, "When boys are confined in the lodge, on bread and water for nine weeks, without their clothing, for attempting to escape, as were Turner, Quinn and Goss, is it strange that they should have a hand in the riot of January 12th?" Were these boys all of them at the institution at the time of the riot?

A. I think not.

Q. What ones were?

A. Quinn.

Q. That was the only one?

A. Yes, sir.

Q. Then it would be a little strange if Turner and Goss took part in the riots, would it not?

A. Yes, but it would not be strange if they had the disposition.

Q. Now, then, you say they were put in the lodge for punishment, and then for disturbing services in the chapel water was played upon them. Turner and Goss remained in the lodge until they went to Bridgewater, did they not?

A. I do not know.

Q. They were sent away?

A. They were sent away, I believe.

Q. How soon after were they sent away? Now, I believe we have some more of your reports, if you will look at these and see if they are your reports of the boys under your charge [Handing the witness certain papers.]

Mr. SANBORN. I would like to have the Committee have the reports of punishments for the year ending March 11, 1877, before them.

Mr. PRESCOTT. I was about to say, if the reports of any one officer of this institution are to be put in—as it is quite proper—I would move that the reports of all punishments by the officers for the year commencing the first of March last, be placed in the hands of the Committee.

The CHAIRMAN. From the first of March, 1876, to the first of March 1877?

Mr. PRESCOTT. Yes, sir.

Mr. HYDE. The only thing I would suggest, is this: they called before for the punishments for one month, and that was furnished; if they will say what they want, we will bring all that you want; you have the right to them of course.

Mr. PRESCOTT. We will call now for the report of the year, and if it appears at that time that we want more we shall of course reserve the right to ask for them.

The CHAIRMAN. I understand you, Mr. Sanborn, to ask for all the punishments of every description for the year.

Mr. SANBORN. Yes sir.

The CHAIRMAN. We will make that request, then.

Mr. HYDE. Here we have the report from January 1 to January 31, 1877. There are four boys punished by the witness, in all cases by the strap. He says the blows were severe, and the effect good.

Mr. DAVIS. What month is this?

Mr. HYDE. January, 1877. That was the punishment of Lynch, 12 blows, severe; James Kelly, 12 blows, severe; Edward Hefferen, 12 blows, severe; and Alanson Jones, 25 blows, severe; and the effect good. Then we have for November, 1876; it records the punishment of James Pettes, Thomas Ash, Frank Saunders, Thomas Scanlon, Richard Young, Dennis Kelly and Thomas Flynn; from six to 20 blows in each case, and the effect good.

Mr. PRESCOTT. I wish you would state what the number was in the month of December.

Mr. HYDE. You have that; the report was put in yesterday.

Mr. PRESCOTT. I have some reports of other officers I wish to put in.

Mr. HYDE. In the month of August, Patrick Ash.

Mr. PRESCOTT. This was the month previous to the outbreak.

Mr. HYDE. It was put in yesterday.

Mr. PRESCOTT. The reason I have some feeling about this thing, Mr. Chairman, is, that undoubtedly they have looked over the months and made selections to present to the Committee.

Mr. HYDE. No sir; I have called for all the reports of this officer.

Mr. PRESCOTT. I would like to have them all read.

The CHAIRMAN. Those put in yesterday you do not care to have read.

Mr. PRESCOTT. Do I understand that those papers being put in are a part of the record of yesterday?

The CHAIRMAN. In those two particular cases they went into the record.

Mr. PRESCOTT. I would like to ask if those punishments of other officers that were put in went into the record?

The CHAIRMAN. No; because we have the testimony of one officer before us now, and his records are being put in. When we come to the other officers, their reports will probably be put in.

Mr. PRESCOTT. Well, as those were put before the Committee, it seems to me they should be put into the proceedings.

Mr. HYDE. You asked for them, but they have not been read; you asked for the record-books, and they were simply laid upon the table; they have not been read by any one.

Mr. SANBORN. The purport of Mr. Hyde's questions indicates that he wishes to bring out from this witness the fact that he has punished frequently. Now, I submit that is a fact which cannot be shown to the Committee without comparing his punishments with those of other officers; and if this line of questioning is to be insisted upon, I shall call for the punishments by other officers.

Mr. HYDE. Mr. Sanborn, I should say, if I took ten drinks in the morning, I was drinking frequently, whatever others might do.

The CHAIRMAN. I shall rule that while this witness is under examination his punishments may be put in. As all the punishments of the institution have been called for, the whole will go into the records of this hearing. It will be proper also to put in any punishments of other officers coming before us for examination.

Mr. DAVIS. As I am engaged now in taking the minutes of the punishments of this witness from month to month, receiving them from the records as presented by the institution, even if the record of last July and last December were referred to yesterday for my own convenience, I should be very glad to have the number repeated, that I may take it down.

Mr. HYDE. Now, in the month of May there were five, of twelve blows each, all of which were reported to have had a good effect. In the month of April, there were three, from seven to twelve blows each, all severe, and all having a good effect. In the month of March, 1876, there were five, from seven to twelve blows each, all severe, and the effect good. In February, 1876, there were four, the effect good, and the blows severe. These are the punishments reported by him.

The documents were handed to the Committee. They read as follows :

**STATE REFORM SCHOOL.—Record of Corporal Punishment inflicted
by Francis Hinckley from Feb. 1 to Mar. 1, 1876.**

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Feb. 3,	Martin, ¹ . . .	12	Severe,	Strap,	Yes, .	Personally known,	Good.
15,	Martin, ² . . .	12	"	"	" .	" "	"
15,	Melvin, ³ . . .	6	"	"	" .	" "	"
16,	Richardson, ³ . . .	12	"	"	" .	" "	"

From February 29 to March 31, 1876.

Mar. 1,	James Maloney, ⁴ .	7	Severe,	Strap,	Yes, .	Personally known,	Good.
1,	Ira F. Martin, ⁴ .	12	"	"	" .	" "	"
15,	Steven J. Cook, ⁵ .	12	"	"	" .	" "	"
15,	John Williams, ⁶ .	12	"	"	" .	" "	"
20,	Leonard F. Dyer, ⁷ .	12	"	"	" .	" "	"

From April 1 to May 1, 1876.

Apr. 24,	Steven J. Cook, ⁸ .	7	Severe,	Strap,	Yes, .	Personally known,	Good.
24,	Geo. E. Richardson, ⁹	10	"	"	" .	" "	"
30,	John Dugan, ⁹ . .	12	"	"	" .	" "	"

From May 1 to May 31, 1876.

May 3,	Ed. Wyman, ¹⁰ . .	12	Severe,	Strap,	Yes, .	Personally known,	Good.
3,	Benj. Lynch, ¹⁰ . .	12	"	"	" .	" "	"
5,	Ed. Wyman, ¹¹ . .	12	"	"	" .	" "	"
5,	James Pettes, ¹¹ . .	12	"	"	" .	" "	"
8,	John Williams, ¹² . .	12	"	"	" .	" "	"

From July 31 to August 31, 1876.

Aug. 5,	Patrick Ash, ¹³ . .	10	Severe,	Strap,	Yes, .	Personally known,	Good.
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From November 1 to November 30, 1876.

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Nov. 8,	James Pottes, ¹⁴	12	Severe,	Strap,	Yes,	Personally known,	Good.
20,	Thomas Ash, ¹⁵	5	"	"	"	"	"
20,	Frank Saunders, ¹⁵	5	"	"	"	"	"
20,	Thom Scanlon, ¹⁵	5	"	"	"	"	"
22,	Richard Young, ¹⁶	20	"	"	"	"	"
27,	Dennis Kelly, ¹⁷	12	"	"	"	"	"
29,	Thomas Flynn, ¹⁸	12	"	"	"	"	"

From December 1, 1876, to January 1, 1877.

Dec. 31,	John Buckley, ¹⁹	12	Severe,	Strap,	Yes,	Personally known,	Good.
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From January 1 to January 31, 1877.

Jan. 10,	Benj. Lynch, ²⁰	12	Severe,	Strap,	Yes,	Personally known,	Good.
27,	James Kelly, ²¹	12	"	"	"	"	"
27,	Edw. Hefferen, ²¹	12	"	"	"	"	"
7,	Alanson Jones, ²²	25	"	"	"	"	"

OFFENCE AND
REMARKS.

- ¹ Whispering in chapel.
- ² Impudent deportment; whispering in chapel.
- ³ Impudence in school.
- ⁴ Whispering in chapel; with various other offences.
- ⁵ Refusing to obey teacher.
- ⁶ Insolent behavior in school.
- ⁷ Leaving his work and going to play.
- ⁸ Taking garden-roller and trundling it about the field.
- ⁹ Insolence to teacher; striking another boy; having tobacco.
- ¹⁰ Insolence and disobedience to teacher.
- ¹¹ Bad conduct in chapel; whispering, etc.
- ¹² Malicious injury of school organ.
- ¹³ Violently assaulted another boy, struck him a dangerous blow with a piece of board three or four feet long.
- ¹⁴ Disobedience.
- ¹⁵ Making disturbance after retiring at night.
- ¹⁶ Drawing obscene pictures.
- ¹⁷ Impudence.
- ¹⁸ Neglect of work and impudence.
- ¹⁹ Refusing to obey teacher.
- ²⁰ Bad conduct in school.
- ²¹ Whispering and improper noises in sleeping-hall.
- ²² Getting into small boy's bed for vile purposes.

Q. (By Mr. HYDE.) Now, Mr. Hinckley, you were twice reported by the superintendent to the trustees for inefficiency?

A. Not to my knowledge.

Q. Do you not know that you were reported?

A. No, sir.

Q. Where were you the 1st of January?

A. At the Peters House.

Q. How long did you remain there?

A. From the 15th of December, 1875, to the 20th of November, 1876.

Q. Where were you removed to, then?

A. To the Farm House.

Q. Do you understand there was any reason for that transfer?

A. I know what the superintendent said to me.

Q. What did he say to you?

A. He said that the former occupant of the Peters House was an applicant for his old position, and that the trustees would like to have him come back; and he asked me how I would like to go to the Farm House. He thought that, perhaps, the former master of the Peters House was more familiar with and would be a better hand to take care of the flower-beds and shrubbery than myself, and asked me if I would not prefer more plain farming instead of that work. I told him I would prefer plain farming to that work, and that was all that was said about it.

Q. Did not Mr. Swett and Mr. Deblois, as a committee of the trustees, wait upon you in regard to the matter?

A. They did, before I went to the Farm House.

Q. What did they say to you?

A. I suppose I should not be able to report their conversation in full?

Q. No, but the substance of it?

A. I can give the substance of it. They stated in substance that the superintendent thought there were some things which could be improved in my management, and asked me if I would make those changes, etc. I told them, if I went to the Farm House, I expected to do my full duty, just as I meant to have done to the best of my ability where I was.

Q. Well, did you understand they were satisfied with the way you had performed your duty?

A. Mr. Deblois indicated that the superintendent was in all respects satisfied.

Q. Therefore, you were removed to the Farm House. Well, was there any fault found with the way you performed your duties at the Farm House?

A. Not to my knowledge.

Q. What has been your occupation before you went there?

Mr. SANBORN. I suppose you intend to put in the testimony of these trustees?

Mr. HYDE. I presume we shall have all the testimony you want before you get through with it.

Mr. SANBORN. I have no doubt of it.

A. I was assistant visiting agent for Gardiner Tufts.

Q. How long were you there?

A. The most of the season; from, I think, about May, up to the time I went there.

Q. Well, six or seven months.

A. Before that I was a constable of the Commonwealth.

Q. How long were you a state constable?

A. About four years.

Q. How did you get out of that service?

A. By the abolition of the force.

Q. You went out of the service with honors, and was not retained?

A. No one was retained.

Q. They were newly appointed, and you were not reappointed?

A. I never applied for the appointment.

Q. As a matter of fact, you were not reappointed?

A. I was not reappointed.

Q. Did you ever punish with anything except the strap,—I mean when corporal punishment was inflicted?

A. Not to any extent; I may have hit a boy with anything I had in my hand sometimes.

Q. Well, tell us if you ever did?

A. I think I have hit a boy with a cane that I have sometimes carried about me; nothing that I consider regular punishment.

Q. Did you ever punish a boy with a rope?

A. With what, sir?

Q. Did you ever punish a boy with a rope?

A. I sometimes used a piece of rope in place of the strap; I have done that.

Q. Well, you reported the strap?

A. Yes, sir.

Q. And sometimes, when you reported a strap, you had actually used a rope?

A. Exactly; I used a rope strap instead of a leather strap; that was all.

Q. Rawson, or whoever punished these boys, which were your boys, would not have been in charge of them if you had been at the institution attending to your duties?

A. No, sir; I think not.

Q. Now, you punished Westwater; how many times did you punish him?

A. I do not know how many in all; two or three times, I think.

Q. Did you ever punish him very severely as to the number of blows you gave him?

A. No, sir.

Q. When did you first make any statement to any member of the Committee, as nearly as you can fix it?

A. Not far from the first of February; I cannot tell the precise date.

Q. Now, when you had charge of the boys at the Peters House, they did work upon the land in the summer time?

A. Yes, sir.

Q. What kind of work did your boys do?

A. Farm-work and gardening-work.

Q. Did you have charge of the boys when they were at work?

A. Yes, sir.

Q. That is, if they went out for a day, was there any other officer to take charge of them except yourself?

A. Not strictly an officer, but a monitor.

Q. Well, that was one of the boys?

A. Yes, that was one of the boys, but still he did not stand in precisely the same relation to the institution that the other boys did.

Q. Well, I mean as to your own boys, was there anybody in charge of their work to look after them as an officer, except yourself?

A. No, sir.

Q. And the monitor was under your instruction?

A. Yes, sir.

Q. He was monitor of the boys?

A. Yes, sir.

Q. Well, now, were you in the habit of regularly going out with your own boys?

A. No, sir.

Q. Now, was there any considerable complaint there because you did not go with your boys as much as you ought to?

A. I did not hear of any.

Q. Did you ever hear anybody complain because in the warm weather you liked the shady side of the field?

A. No, sir, I never heard of any.

Q. Did you ever practise sitting in the shade, while the boys were in the field at work in charge of the monitor?

A. I was always around with my boys.

Q. But when your boys were out at work, were you ever sitting in the shade of a tree, while they were attending to their duties?

A. Not away from the boys.

Mr. SANBORN. I would like to ask if this complaint is set forth in the indictment?

Mr. HYDE. What indictment?

Mr. SANBORN. Against this defendant. I will not press it.

Q. (By Mr. HYDE.) Now, do you not know there was a complaint made there because you liked the shady side of a tree?

A. No, sir.

Q. How did you call the boys to dinner?

A. The boys I was with I called by voice, and the other boys who were in the field, under the monitor, came at the sounding of the steam-whistle.

Q. Now, how much of the time did you have the boys out in the field when you were not there yourself; I mean when they were out at work in the summer months?

A. I was always with them. My boys were frequently divided up into three gangs, and I was always with some of them.

Q. Do you remember the superintendent came along one time and

found you reading a newspaper under a tree when your boys were off in the field?

A. When some of them were off.

Q. Well, who was with you?

A. There were boys both sides of me; the house boys about to leave their work there and to go into the garden just below.

Q. Well, did not the superintendent speak to you and say you ought to be with the boys at that time? Did he not tell you they were swearing over there and overrunning the horse, and ought to be looked after?

A. No, sir.

Q. Nothing of that kind?

A. No, sir; not at that time. I had a note from the superintendent, saying he would like to have me keep my boys together as well as possible when they were in the field. I went and saw him about it, and told him I could not carry on my work and keep them together, that we were obliged to divide them up or else neglect our work in different places; and he said, "Well, then, do the best you can, Mr. Hinckley." I said I intended to do that, and believed I did do it.

Q. Now, I have not yet the full report of yesterday's proceedings, but I think you mentioned yesterday some other cases in which you thought the punishments were too severe. Will you mention some of them again?

A. I mentioned the Gartland boy, who was punished for swearing.

Q. That was the boy the Irishman reported?

A. Yes, sir.

Q. Who told you that?

A. Well, some of the boys told me about it first, and then the master of the Garden House spoke to me about it.

Q. What is his name?

A. Brown.

Q. Do you know anything about the circumstances, except what you have heard?

A. That is all.

Q. Now, you speak about the boys trying to take some meat from the table in the kitchen; was any report made of this except by your wife?

A. She was the one who reported it.

Q. That was the way he happened to have his punishment, because your wife reported it?

A. Yes, sir.

Q. What was his name?

A. There were two of them—Dennis Sullivan and James Kelly.

Q. Who punished them?

A. Mr. Wood.

Q. (By Mr. SANBORN.) Who is Mr. Wood?

A. The assistant superintendent.

Mr. SANBORN. I have no questions to ask Mr. Hinckley, but I would like to ask Dr. Harvey a few questions.

Mr. PRESCOTT. I have one question I would like to ask Mr. Hinckley.

Q. (By Mr. PRESCOTT.) Did you hear Mr. Wheatley— By the way, what is Mr. Wheatley's position?

A. He is teacher of the first school.

Q. He is called the first teacher, is he not?

A. Yes, sir.

Q. Did you ever hear him say he had punished a boy for some offence, and that he would do so again on the slightest pretext?

A. Yes, sir.

Q. What were the circumstances?

A. Mr. Wheatley said he was punishing a boy who caught him by the whiskers. He said he gave him a severe punishment for that, and afterward he punished him upon all occasions, whether the boy committed any offence or not. He made it a point to punish him upon every sort of an occasion, I do not know for how long a time; but he said it did not make any difference whether the boy committed an offence or not, he made it a point to punish him very often.

Q. Did you understand from him, that this first teacher said that he would punish this boy every chance he got, on the slightest pretext, or words to that effect?

A. He said that he did do so; it was something that had occurred some time before.

Mr. TRAIN. Is he talking about Mr. Wheatley now?

WITNESS. Yes, sir.

Q. (By Mr. TRAIN.) You say that Mr. Wheatley would punish this boy?

A. Yes; he said he had done so.

Q. (By Mr. PRESCOTT.) Who was this boy? Do you know?

A. The boy's name was Flynn.

Q. Is he in the institution now?

A. I think he is; he was when I left there.

Q. When was this, that he made this remark to you?

A. He made the remark to me some time within two or three months before I left there.

Q. (By Mr. DAVIS.) There is one thing in my mind, Mr. Hinckley, that I have not got quite clear. You stated that Mr. Wheatley was punishing a boy. Was that Watson that had the awl?

A. Yes, sir.

Q. Well, now, I am not quite clear whether Mr. Hinckley was punishing Watson and Watson escaped from him and went into the seating room and obtained an awl during his absence with which to protect himself. I want to know whether or not he prepared himself for the defence and obtained an awl before the attempted punishment, or whether during the punishment he escaped and went into the seating room and obtained this awl as a weapon of defence. I wish you would state clearly on that point?

A. As the matter was related to me—I did not see it—Mr. Wheatley took the boy into a private room to punish him, and the boy escaped from Mr. Wheatley and got out of the room and ran to the chair-shop; I think his face was then bloody; he got an awl and sung out for some of his companions to help him, and three or four of them ran into the yard with their awls in their hands. That is the way I understand it.

Mr. DAVIS. Well, that makes it clear. It was a little cloudy with me whether or not he prepared himself for the defence before this punishment commenced, or whether he got the best of the teacher and ran away and got that awl to protect himself with.

Q. (By Mr. TRAIN.) You stated, I believe, that Mr. Wheatley, the man who has charge of the chair-shop, stated that he would punish this boy, and had punished him, for the slightest offence, simply because he caught him by the whiskers. Do you mean that for your own statement?

A. I do.

Q. Did you hear the boys state anything in regard to his punishments? Do you know what their opinion of him is as a master?

A. I have not heard many express an opinion.

Q. Did you ever hear the boys say anything against him?

A. Yes, sir.

Q. Do you remember the night of the riot hearing them say: "Don't touch Mr. Wheatley; don't touch Mr. Wheatley"?

A. I never heard that before.

Mr. HYDE. I do not quite understand your question, Mr. Davis. There is nothing to prove how much Mr. Wheatley had punished the boy before he got the awl. I understand there is no evidence whether it was slight or severe before he got the awl, but you are putting it in a way as if the boy was justified in getting the awl.

Mr. DAVIS. I want to state it clearly, so that my position may be understood. I am not discussing whether he was punished severely or not. It has not anything to do with it, but it makes a difference in my judgment whether, during the punishment which had been commenced by Mr. Wheatley, the boy escaped from Mr. Wheatley to the place where he obtained this awl, and obtained it then to protect himself, from what it would if the boy beforehand had prepared himself with this awl as a matter of defence. Now, I want to state how I understand it, so it can be understood by everybody alike. I understand that Mr. Wheatley was punishing the boy, and the boy escaped from Mr. Wheatley and entered the chair-shop, and took an awl to protect himself with after the punishment.

Mr. HYDE. I should prefer you would put it that Mr. Hinckley says so.

Mr. DAVIS. I will assume, Mr. Chairman, that that is the way Mr. Hinckley states it. I do not pretend to say that he has personal knowledge of it.

The CHAIRMAN. That will come out in the direct examination of Mr. Wheatley himself.

Q. (By Mr. PRESCOTT.) Who do I understand you got your information from, in regard to this Watson punishment?

A. Mr. Wheatley told me about it himself, Mr. Bigelow told me about it, and I have heard it frequently spoken of.

Mr. SANBORN. I would like to ask Mr. Hinckley one or two questions.

Mr. PRESCOTT. I want to ask one more question.

Q. (By Mr. PRESCOTT.) Mr. Hinckley, from your experience there with the institution, do you not consider it a very natural thing for boys

at the age of 19 or 20, when they are about to receive corporal punishment, to resist the punishment?

A. It seems to me so.

Q. With your experience, do you believe it is wise to continue corporal punishment of boys of that age?

A. I do not.

Q. For any offence?

A. I do not.

Q. (By Mr. SANDERSON.) I want to know what you would substitute for corporal punishment?

A. What I should substitute?

Q. Yes, sir.

A. Well, anything that would be most effectual and have a good influence upon the boys. I hardly know how to answer you, because I have not considered the matter; but that of course which would have the best influence upon the boys. If they could not be influenced by good counsel and brought into subjection some way, I would adopt that method which would be most likely to result in good.

Q. Well, if there is no other punishment for the purpose, would you not give corporal punishment?

A. I think it is safer to abolish corporal punishment myself.

Q. (By Mr. TOMPKINS.) And yet you do not know what you would substitute for it?

A. I do not know definitely, in any case. There are various ways of punishing at the institution.

Q. You would not suggest turning them all over to Moody and Sankey, would you?

A. No, sir; I would not.

Q. (By Mr. DAVIS.) Well, now, this is a point upon which I want to ask you a question. In your judgment, what is the effect upon the boys, as a matter of discipline, to confine them in the dormitories or lodge?

A. I prefer it very much to corporal punishment. I think the effect is that the boys have time for reflection. Their passions would not be excited as by corporal punishment, and the effect of it would be generally better. A great many of the boys whom I have had under my care, preferred that I should give them a strapping and have it over with, as they say, than to go to the lodge, or to any confinement, or to the sweat-box, which they sometimes mention.

Q. (By Mr. SANBORN.) Mr. Hyde asked you some questions as to whether you had reported these punishments, inflicted by officers, to the trustees. I would like to ask you whether it was any part of your duty assigned you by the superintendent to report to the trustees anything more than your own doings?

A. Nothing more.

Q. Were you even required to report your own doings to the trustees?

A. Not at all.

Q. Were you ever questioned by any of the trustees as to the character of your punishment?

A. Not at all.

Q. Were you ever questioned by any of the trustees as to the character of the punishments which had come under your observation?

A. Not at all.

Q. Were you ever questioned by any of the trustees as to your punishment and management of the boys?

A. Not at all.

Q. Would you make any exception of the case referred to, when Mr. Deblois and Mr. Swett had their interview with you?

A. Nothing was said about it then.

Q. Did they ever question you in regard to your management of the boys?

A. They did not.

Q. Did the superintendent ever question you in regard to your punishments?

A. They never questioned any of my punishments, to my knowledge.

Q. Then, if I understand your testimony, the whole matter of your punishments was left to your own discretion?

A. Except that I had some talk with the superintendent when I went there about punishments.

Q. Yes; but no member of the trustees ever talked with you on the subject of punishments?

A. No, sir.

Q. (By Mr. HYDE.) Were you ever spoken to there in the spring, about Fast Day time, about letting your boys out barefooted, without having shoes on?

A. I was not spoken to directly, I think. I do not know but I may have been on one occasion spoken to by the superintendent. There was one of my boys, I think, got his boots off in the sunny part of the day, and the superintendent saw it, and spoke about its being inexpedient to let the boys take off their shoes. I think he sent for me on one occasion and said that he had seen a boy playing in his bare feet, and he did not like to see it.

Q. Did Dr. Harvey ever speak to you about it?

A. I think, when the boys were in the house at one time, and had their shoes off, and some of them ran out upon the platform one day when Dr. Harvey was at the house,—I think it was on Sunday,—I think he spoke to the boys, and asked them what they were out there barefooted for, and told them they had no business to be out there barefooted, or something like that. I have no recollection of his speaking to me about it.

Q. Did any word ever come to you from Dr. Harvey about letting the boys go out barefooted?

A. One day the superintendent spoke to me, I think, and said Dr. Harvey thought it was dangerous to have the boys run out barefooted in that way.

Q. (By Mr. SANBORN.) When you were requested to transfer your duties from the Peters House to the Farm House, was any reason given you by the superintendent except that the former master of the Peters House was coming back and wanted the place?

A. Nothing further than what I stated. I asked the superintendent why the change was made, and said to him: "Of course you are under no obligation to tell me unless you choose." Well, he said he intended to be perfectly fair about it; he said he thought the trustees approved of Mr. Morse's management of the flower-beds and shrubbery, and perhaps he was more used to it than I was, and could do it more satisfactorily; he also said that the former master wanted to come back. These were the points made to me by the superintendent.

Mr. SANBORN. That is all, Mr. Chairman.

Mr. HYDE. Nothing further.

The CHAIRMAN. Mr. Sanborn told me that he has one or two questions only, and it is not going over the evidence we received yesterday. I will consent, therefore, his asking Dr. Harvey the questions which he has informed me he desires to ask him. We, of course, do not wish to go back over the evidence we have already received.

Dr. EDWIN B. HARVEY—*Recalled*

Q. (By Mr. SANBORN.) I did not hear distinctly your testimony this morning about the trace with which Rawson flogged these boys; when did you last see this trace?

A. One day, in the committee-room, during the other investigation. After the Committee had adjourned, I remained in the room with two or three members of the Committee. I think Mr. Davis was one of the Committee, but I cannot say positively. The trace was alluded to, and was obtained in my presence. Our conference in reference to it resulted in my taking the trace; whether I asked for the trace or not, I am unable to say. Since I took the trace from the room at that time, I have no knowledge or remembrance of it definite enough for me here to make a statement under oath. It is possible I took it with me in my pocket; it is possible I may have shown it to a person on the way home; it is possible I may have thrown it from the car window; but I state under oath I have no knowledge sufficiently definite to enable me to make a statement under oath.

Q. Now, Dr. Harvey, I would like to ask you, did you not tell me in this very room, yesterday, you standing there and I standing here, that you threw that trace out of the car window between Southborough and Westborough?

A. I did not, sir.

Q. What did you tell me?

A. I told you I had no definite knowledge of it; that I might have thrown it from the car window while going home.

Q. Are you under oath?

A. I am under oath.

Q. Then you testify under oath that you did not tell me that you threw it out of the car window between Southborough and Westborough?

A. I do not understand that I told you so, sir. It is impossible I should have told you so, for I have no such knowledge.

Q. Did you have the trace in the car with you?

A. I cannot give you testimony positively on that point. I remember

taking it from the room, but I repeat I have no knowledge sufficiently definite for me to testify under oath.

Q. Where was the trace upon the day when you took it from the room? Was it in a paper?

A. It was in a paper.

Q. Could you have taken that trace from your pocket and thrown it out of the car window without your knowledge?

A. Just as easily as I could have done anything without my remembrance. Your question was, "Without my knowledge."

Q. Without your knowledge?

A. Not without my knowledge at the time, but without my remembrance at the present time.

Q. Have you any recollection?

A. I have no definite recollection, so definite that I can testify under oath.

Q. What indefinite recollection have you?

A. Do you wish me to state impressions under oath?

Q. Yes, sir, if you have nothing better.

A. I have had two impressions, Mr. Chairman. One is, that I did throw it from the car window somewhere approaching my home, and the other is that I threw it into the coal stove after arriving home, but I cannot testify that I did either.

Mr. DAVIS. I suppose I shall be excused, if I ask a question.

The CHAIRMAN. We do not want to go back.

Mr. DAVIS. No, I will keep right along.

Q. (By Mr. DAVIS.) Do you remember the conversation you had the other day over that strap?

A. I do not.

Q. Do you remember any of the conversation?

A. No, sir; I cannot repeat the words.

Q. You do not remember that you said the strap belonged to the trustees and not to the Committee, and you were going to have it?

A. I do not remember that, sir.

Q. Are you sure, Dr. Harvey, that strap was given to you by any one of the Committee?

A. I wish you could put your question in a different form.

Q. Are you sure any one of the Committee in the room where you say you received that strap, gave that strap to you?

A. I am sure I asked if I could have the strap; I am sure I asked for the strap in some way.

Q. Well, in some way; now, how?

A. I cannot state the exact words, sir; but I am sure I asked for the strap, else I could not have taken it.

Q. Now, I want to ask you this: if you will swear that you did not say to one of the Committee, "Where is that strap? I am going to have that; that belongs to the trustees, and not to this Committee"; and then are you willing to swear that whoever you told that to, did not tell you that if it belonged to the trustees, the trustees ought to have obtained it

before the Committee did? Are you ready to swear that that conversation did not occur?

A. I shall have to ask the stenographer to repeat the question.

[The question was read by the stenographer.]

Dr. HARVEY. I am ready to swear I did not say I am going to have it; further than that I am not ready to swear what that language was.

Mr. DAVIS. I do not wish to ask any more questions.

Mr. WILLIAM S. PHILLIPS—*Sworn*.

The CHAIRMAN. Mr. Sanborn, do you want to ask Mr. Phillips any questions?

Mr. SANBORN. Mr. Phillips is not my witness, and I do not know what he is going to testify to. I should like to hear from the superintendent.

The CHAIRMAN. We call Mr. Phillips because his testimony before the Committee at the other investigation followed that of Mr. Hinckley, who has just concluded. As Mr. Hinckley in his testimony refers to Mr. Phillips as the party who gave the information, we think that to corroborate his testimony perhaps it is as well that Mr. Phillips should be examined now, then go to the superintendent afterwards.

Mr. SANBORN. Then I will leave the examination wholly to the Committee and Mr. Hyde, as I have an engagement in another room.

Mr. PRESCOTT. I should like to ask Mr. Phillips some questions.

Q. (By the CHAIRMAN.) What was your connection with the State Reform School?

A. Assistant superintendent.

Q. When did it commence?

A. June 1, 1876.

Q. June 1, 1876, it commenced; when did it terminate?

A. February 8, 1877.

Q. Previous to your being an officer at the State Reform School, what experience had you in taking charge of boys?

A. None whatever, sir.

Q. What was your official connection with the State Reform School?

A. Assistant superintendent.

Q. What were your duties as assistant superintendent?

A. To assist the superintendent in his various duties, and when the superintendent was away to perform those duties that were performed by him when he was present.

Q. Were the rules and regulations of the school made known to you when you went to the school?

A. Copies of the by-laws were placed in my hands. The by-laws covered the rules and regulations of the institution, I think, pretty generally.

Q. (By Mr. PRESCOTT.) How long do I understand you were connected with this school as assistant superintendent?

A. Very nearly nine months.

Q. Commencing at what time?

A. June 1, 1876.

Q. When did you leave there?

A. February 8, 1877.

Q. Did I understand you to say you had been in any other position where you had the management or control of boys?

A. Never, of a reformatory nature.

Q. What was the nature of the institution where you previously have had control of boys?

A. It was a Sunday school.

Q. Where was that?

A. In East Boston.

Q. In what capacity?

A. Assistant superintendent.

Q. As this investigation is virtually or solely, as I understand it, on the matter of punishments and discipline at the Westborough Reform School, I will ask you what are the forms and modes of discipline in that institution?

A. Punishment by the strap, the sweat-box, by water from the hose, standing in various positions, standing on a line in the yard. I think of no other at present.

Q. Any confinement in the lodge?

A. Confinement in the lodge and dormitories.

Q. You saw the strap here which has been exhibited?

A. I saw it.

Q. That is about what is used there as a strap, is it?

A. It is.

Q. Among other modes of punishment, you mention the sweat-box; is that known, or was it known while you were there at the institution, as a sweat-box?

A. It was.

Q. Was it called a sweat-box by the officers of the institution?

A. Both sweat-box and box.

Q. What did the boys call it?

A. Sometimes one and sometimes the other; generally the sweat-box.

Q. During your nine months' connection with that institution, did you hear that called the wooden strait-jacket?

A. I never did, sir.

Q. Have you ever taken boys out of that box?

A. I have.

Q. Have you ever taken a boy out of that box who seemed to suffer anything from confinement in it?

A. I have.

Q. Will you relate?

A. A boy by the name of Redding—Edward P. Redding—was placed in the box and remained there three hours, or about that time. When he was taken out, the sweat was dripping from his hair and came through the shoulders of his jacket.

Q. Who put him in?

A. I did.

Q. You put him in. Well, how came you to take him out in three hours? Was that the time you put him in for?

A. I thought the punishment was severe enough.

Q. When you took him out, did you not think it was too severe?

A. Probably, if he had not been sweating so much, I should not have taken him out so soon.

Q. Do I understand you that his hair and clothes were saturated when he was taken out? That is correct, is it?

A. That is correct.

Q. What time of year was this?

A. I cannot state, but it must have been in warm weather.

Q. Did you frequently put boys into the box?

A. Very seldom.

Q. Were boys frequently put into the box?

A. They were.

Q. From your best knowledge and belief, Mr. Phillips, about how many boys should you say have been punished by confinement in that box during your service of nine months in that institution?

A. I do not think I could state anywhere near the number; I might fall short and I might overrun.

Q. Well, somewhere within a reasonable number, according to your best judgment and belief?

A. During the time I was connected with the school?

Q. Yes, during the time you were there.

A. I should say a hundred, certainly.

Q. How many have you put in there?

A. That I cannot tell you; I do not recollect.

Q. (By Mr. TRAIN.) About how many?

A. Well, sir, I never kept any account; I should say at the highest, perhaps six.

Q. Do you mean to say that you never kept account? Did you never keep a record?

A. I did not.

Q. (By Mr. LOWE.) Was any record kept by anybody about that?

A. The teachers, I understand, kept a record of the punishments?

Q. (By Mr. PRESCOTT.) How long have you known a boy kept there in that box as a punishment?

A. The boys are taken out at noon and also at night. I have known some to be confined four days, always understanding that they are taken out at noon and at night.

Q. Are they fed at noon?

A. They are not.

Q. What is their food at morning and night?

A. Bread and water in the morning, and the same at night.

Q. What time in the morning are they put in, and what time at night are they taken out?

A. They are put in, sometimes, at six o'clock, when the boys arise, and are taken out at night when the boys retire.

Q. (By Mr. DAVIS.) What time is that?

A. It depends upon the season of the year; at five and half-past five in summer and six in the winter, or in that vicinity.

Mr. TOMPKINS. Mr. Phillips—

Mr. PRESCOTT. Wait a moment, Mr. Tompkins; I am not through. If you will just make a memorandum of your question, you will oblige me; if you ask it now, it might throw me off from some questions I would like to ask.

Q. (By Mr. PRESCOTT.) Do I understand that some boys have been kept there as long as four consecutive days?

A. Being kept out at night.

Q. Have you ever heard of boys being taken out of that box in a fainting condition?

A. I have heard so.

Q. When did you hear so?

A. A number of times during my connection with the school. I cannot state positively, with one exception, and that was the day that the investigation commenced at the State House. I will not be positive, but within a day or two of that time.

Q. What were the circumstances?

A. One of the officers made a statement that he had taken boys from the box in a fainting condition.

Q. Who was the officer that made the statement?

A. The clerk.

Q. Mr. Chase?

A. Mr. Chase.

Q. What statement, definitely, do I understand that he made?

A. That he had taken boys from the box, and, upon taking them out, they had fainted.

Q. Did you understand from him, that when he had taken them out they had dropped on the floor?

A. I did.

Q. Did you understand that this was a single case?

A. He said boys.

Q. Was this at a meeting of the officers?

A. It was, sir.

Q. That is, soon after the Committee commenced on this investigation, a month or more ago, a meeting of officers was held to consider among other things the effects of some of the punishments there?

A. It was.

Q. And Mr. Chase stated that he had taken boys out of the box in a fainting condition.

A. He did.

Q. What number?

A. He did not state the number; to the best of my knowledge he said boys.

Q. Did you consider it one or two or several?

A. Certainly more than one.

Q. Did any of the other officers make any statements in regard to any of the other punishments or the condition of the boys after confinement?

- A. Nothing in regard to the condition of the boys that I recollect.
- Q. Was there a boy in that sweat-box the day of the riot?
- A. There was.
- Q. By the way, by whose order was he put in?
- A. I think by the superintendent's. I will not be positive in regard to that; it may have been by the order of the lodge officer.
- Q. What was the boy's offence?
- A. Spitting on the walls of his dormitory.
- Q. What is that word?
- A. Spitting.
- Q. How long was he kept in there?
- A. That day?
- Q. Yes.
- A. Until about ten or eleven, I should say.
- Q. Was you ordered to take him out?
- A. No, sir.
- Q. Did you take him out?
- A. I did.
- Q. When did you take him out?
- A. About that time.
- Q. Ten or eleven o'clock at night?
- A. Yes, sir.
- Q. When was he put in?
- A. He was put in in the morning, I suppose.
- Q. Do you know what time?
- A. I cannot tell you; probably at the usual time of putting boys in.
- Q. I do not understand from you who put him in there?
- A. That, I cannot inform you positively.
- Q. You took him out?
- A. I took him out.
- Q. Have you known other boys to be put into that sweat-box and kept all day?
- A. I have,
- Q. Whom?
- A. Davis.
- Q. Anybody else?
- A. I do not recollect at present.
- Q. Who was Davis put in by?
- A. By order of the superintendent for eloping—that is the name applied to runaways.
- Q. Some of the gentlemen understood you loafing; you mean that the boy ran away from the institution?
- A. I do.
- Q. When he was captured, he was put in the sweat-box as a punishment, was he?
- A. Yes, sir.
- Q. How long was he kept there, one day?
- A. More than one day, but I cannot state the exact number of days

Q. How do the boys feel about the punishment of the sweat-box as compared with the strap?

A. They do not like it. I think they prefer something else.

Q. Do you think they call it a more severe punishment?

A. I think so; it depends upon the season and the weather.

Q. Boys of what ages are punished in this manner?

A. Boys from all ages, from 16 to 20.

Q. Well, now, that box, if I understand it—and I believe I do—has adjustable sides, has it not?

A. It has.

Q. Well, can that punishment be made a very severe punishment?

A. It can.

Q. Is it left optional with the officers in regard to severity?

A. Yes, sir.

Q. Well, boys when they are punished in that box are generally pushed up with their hands down by their sides, and the walls are so compressed that they cannot raise their arms?

A. Oftentimes that is the case, but it depends on the officer administering the punishment.

Q. Well, the boy is put into the box and the door is buttoned on the back of the box?

A. It is.

Q. Then, after the boy is in there, these sides are pressed up against him?

A. Yes.

Q. Did you ever hear of a boy being sick there?

A. I have.

Q. More than one instance?

A. Yes, sir.

Q. Do you remember the name of any boy?

A. A boy by the name of Lombey is one. I do not recollect any other, although I know there were many.

Q. You know there were many. How do you know it?

A. I have seen them.

Q. Was this matter talked over at the officers' meeting?

A. I think the fact of the boys' vomiting was spoken of.

Q. Well, did you infer from the statement made then that several boys, or a number of boys, had been sick while in the box?

A. I did.

Mr. TOMPKINS. May I ask a question?

Mr. PRESCOTT. I had rather you would wait.

Mr. TOMPKINS. I thought you had got through; you sat down.

Mr. PRESCOTT. Is it in relation to this box?

Mr. TOMPKINS. It is.

Mr. PRESCOTT. Then ask the question.

Q. (By Mr. TOMPKINS.) You testified that you had yourself put boys into this box; you also said you did not know how many you had put in. The question I wish to ask is this: Was it your duty as an officer to keep a record of the boys you put in this box?

A. Not necessarily.

Q. Then, you are not required to perform the duties that are required of the other officers?

A. I was not.

Mr. PRESCOTT. Have you got through, Mr. Tompkins?

Mr. TOMPKINS. Yes, sir.

Q. (By Mr. PRESCOTT.) Have you ever known water to be played on boys as a mode of punishment?

A. I have.

Q. What were the circumstances? State all you know about it.

A. Well, I believe there have been some cases that have come before this Committee in this investigation where boys were disturbing chapel services; but I know nothing of it, except from hearsay, as it occurred before I was connected with the school.

Q. Well, do I understand you to say that boys have been punished, not as a mode of punishment for actual disturbance, but as a mode of punishment, by having water played upon them?

A. Yes, sir.

Q. Have you seen it?

A. I have.

Q. Well, relate what you have seen?

A. I have seen a boy by the name of Crowley played upon, and after having been played upon given dry clothes and warm drink and then put to bed.

Q. Who played upon him?

A. The superintendent, I think.

Q. Did you see him?

A. I did.

Q. What was it for; what was the offence?

A. He had been guilty of an offence some weeks previous, I think—assaulting an officer.

Q. Assaulting an officer?

A. Yes, sir.

Q. Were his clothes on him when he had the water poured on him?

A. They were.

Q. All his clothes?

A. Yes, sir; he may have had his jacket off, but I think not.

Q. For how long was the water played upon him?

A. I shall have to use my judgment in answering that question.

Q. Well, to the best of your judgment?

A. Perhaps ten minutes.

Q. Did you consider it a severe punishment?

A. Not for the offence.

Q. What time of year was this?

A. I cannot state definitely, but think in November—in October or November; October, perhaps.

Q. How did the boy take his punishment?

A. As one might expect. I do not know as I can answer you in any definite way.

Q. Well, was the punishment severe to the boy? Did he suffer a good deal during the punishment?

A. He must have suffered.

Q. He must have suffered a good deal during the punishment?

A. He asked that the hose might be stopped, and it was.

Q. What was that answer?

A. He asked that the water might be stopped.

Q. And what else?

A. And it was.

Q. The water was stopped, then, as soon as he begged for mercy?

A. He was made to retract certain statements he had made and when these were all retracted the water was stopped.

Q. He was made to retract certain statements while the water was being played upon him, and then certain statements were gleaned from the boy; do I understand you?

A. Yes, sir.

Q. That is to say, he was examined by the superintendent, while the superintendent was playing upon him?

A. He retracted certain statements he had made with regard to certain officers. I do not recollect what the statements were.

Q. Do you remember of any other boy being played upon with the hose there?

A. Yes, sir.

Q. Who?

A. Lombey.

Q. Who was he punished by?

A. I think by Mr. Cummings.

Q. Did you see that?

A. I did.

Q. What was his offence?

A. I am under the impression it was stealing a strap from the drawer of an overseer.

Q. Stealing a strap. Was it one of those that they used for punishing?

A. I presume so. Mr. Cummings told me it was for stealing a strap.

Q. He was played upon by the hose. How long?

A. Perhaps 12 or 14 minutes—in that vicinity.

Q. What was the size of the stream from this hose?

A. I should judge about a quarter of an inch when it left the pipe.

Q. Was it a pretty forcible head of water?

A. It would probably reach 25 feet.

Q. Do you know of any other boys that have been punished in this way?

A. Cahoon was punished.

Q. By whom?

A. By Mr. Hayes.

Q. Who was Mr. Hayes?

A. He was assistant carpenter at that time. He had charge of the boys in one of the halls.

Q. I do not understand you what Mr. Hayes' position is now ?

A. His official position was assistant carpenter.

Q. This boy's name was Cahoon ?

A. Cahoon.

Q. Did you see this punishment ?

A. I did.

Q. When was it ?

A. About the time, that the others were administered.

Q. Well, was that punishment similar to the others ?

A. It was.

Q. What was the offence ?

A. He threatened to assault an officer, I believe ; but there was something previous to that which I did not know about.

Q. He threatened to assault an officer. Do you know of any other cases ? You have mentioned Cahoon, Lombey and Crowley.

A. Longdon.

Q. Longdon was the boy played upon by the large hose ? By whom was he played upon ?

A. By the superintendent.

Q. What was that for ?

A. I cannot tell you.

Q. Did you see it ?

A. I say after the hose had been played upon the boy I saw him.

Q. When was this ?

A. I think after the riot of January 12.

Q. Well, he was one of the ringleaders of the riot, was he ?

A. He was connected with it.

Q. Where is he now ?

A. At school, I think.

Q. He was not, then, one of the boys sent away ?

A. No, sir.

Q. (By Mr. DAVIS.) What is his full name ?

A. I do not know.

Q. (By Mr. PRESCOTT.) What do you know about the punishment of the boy Longdon ?

A. Nothing from observation. I passed the lodge by accident and saw that a large number of the officers were there ?

Q. Were where ?

A. In the lodge where the punishment was going to be inflicted. I immediately passed upstairs into the building to see that the rooms were guarded.

Q. This was soon after the outbreak, as I understand it ?

A. It was perhaps a week after.

Q. These officers were just in there to witness this punishment or this operation ?

A. I do not know why they were there. Perhaps they wanted to see the operation. I think they did, or else they would not have been there.

Q. Well, you did not see it yourself, did you ?

A. I did not see it.

Q. What did you hear about it afterwards?

A. I heard that the boy was played upon and attempted to come out of the cell where he was, and he was struck by the superintendent—this is hearsay—and was forced back. He was finally held by the superintendent and played upon by some of the other officers.

Q. Was he played upon by the large hose?

A. By the large hose.

Q. Well, was that the natural force of the water, or was the steam-pump applied?

A. I think the steam-pump was applied, but I cannot say positively.

Q. Well, you have spoken about this as hearsay; whom did you hear it from?

A. From Mr. Bigelow.

Q. He was down there, was he?

A. He must have been, sir.

Q. How soon after the affair occurred did he tell you about it?

A. He was speaking of the influence of it, I think, within a day or two afterwards, in the presence of Mr. Chase and myself.

Q. How long do you understand this water was applied to him?

A. I did not hear.

Q. What, in your best judgment, was the force of the stream?

A. If the force-pump had been applied, it would have forced a stream 80 feet.

Q. How far?

A. Eighty feet.

Q. Do you know how long the boy was played upon.

A. I do not.

Q. What was done with him afterwards?

A. I cannot tell you.

Q. Did you ever hear?

A. I heard he was placed in the box.

Q. Did he have his clothes on when he was played upon?

A. That I cannot tell you.

Q. Do you know anything about the boy Sullivan being punished by an application of hydropathic treatment?

A. There was a boy by the name of Sullivan, and another by the name of Ryan, it seems to me. I did not see either of them until they were wet.

Q. What do you know about it?

A. I passed into the lodge some little time after the playing, and saw them standing in the lodge in the cell, wet.

Q. Did they have their clothes on at that time?

A. They did.

Q. Were they drenched through?

A. They were.

Q. Standing in the lodge at that time?

A. They were.

Q. In separate cells?

A. Together.

Q. What were they punished for?

A. I cannot tell you; probably for being connected with the riot.

Q. Are they connected with the institution?

A. Ryan is at Worcester, and I think Sullivan is at the school.

Q. (By Mr. SANBORN.) You were not there?

A. I was not there.

Q. I understand you then, or I desire to understand you distinctly, that this water was applied to the boys in the manner you have described as a mode of punishment; not to quell a riot or a disturbance that the boys were making at the time, but as a mode of punishment?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Are there any other cases of punishment of this nature that you remember?

A. I do not recollect of any.

Q. How long are boys sometimes confined in the lodge there?

A. Three or four weeks.

Q. Each in a separate cell?

A. If there is room enough; if there are cells enough, so that each boy can have a cell for himself.

Q. How many cells are there?

A. I think 19.

Q. Are they sometimes all full?

A. They are.

Q. What is their treatment while they are confined in the lodge?

A. They are fed in the morning and in the afternoon.

Q. Twice a day?

A. Twice a day.

Q. Of what does their food consist?

A. Of bread and water, both morning and evening; and sometimes meat during the week, provided they are kept in a week.

Q. Are they always fed regularly?

A. Unless a boy commits some offence while there, I think they are.

Q. Who has charge of the feeding of them?

A. The lodge officer.

Q. You say they are fed regularly unless they commit some offence while there. What do you mean by that?

A. If they are saucy or impudent to the lodge officer, he sometimes deprives them of food, or gives them a short allowance.

Q. Well, how long have you known a boy to be kept there without food?

A. In the lodge?

Q. Yes, sir.

A. Not more than one meal, that I know of.

Q. Do you remember about the boys Goss, Turner, and Quinn, who were confined in the lodge some eight or nine weeks?

A. I know nothing about them, sir.

Q. That occurred before your connection with the institution?

A. Yes, sir.

Q. Before I forget it, there was a boy Hector spoken of here yesterday; do you remember the boy?

A. I do.

Q. He was a colored boy, was he?

A. He was.

Q. He was punished by whom?

A. I think he was punished by Mr. Rawson.

Q. Did you see him after he was punished?

A. I did not.

Q. How old is this boy Hector?

A. I should judge he was 18 years old.

Q. Is he in good health?

A. He has very poor health; he is supposed to have consumption; he was pronounced a consumptive by the physicians.

Q. Who pronounced him in consumption?

A. Dr. Harvey.

Q. When?

A. During my stay at the school.

Q. Has he been sick in the hospital any considerable time?

A. I think not while I was there; I understand that he had been.

Q. Did you understand that he was removed to one of the outside houses on account of his health, in any way?

A. I did.

Q. How did you understand that?

A. From Col. Shepard and other officers.

Mr. SANBORN. Has it been asked, Mr. Chairman, when Mr. Phillips left the institution?

The CHAIRMAN. Yes, sir; in February, 1877.

Q. (By Mr. PRESCOTT.) Do you know anything about a boy by the name of Lotz, or Lutz, connected with the institution, who has been punished?

A. I do—Elmer Lutz.

Q. Who do you know of his being punished by?

A. He was punished by the superintendent.

Q. When?

A. Since the riot of January 12th.

Q. What was he punished for?

A. For saying that a boy would testify at the trial of the rioters that he was a spy upon them.

Q. He said what?

A. For making a statement that a boy would testify against the rioters that he was a spy upon them.

Q. To whom did he say so?

A. He acknowledged it in the presence of Col. Shepard, Mr. Chase, myself, and some other officers.

Q. When was this?

A. I cannot tell you exactly. It was soon after the riot of January 12th.

Q. You say he was punished by the superintendent. Were you present at the punishment?

A. I was in the next room. I was not present.

Q. Did you hear the punishment going on?

A. I did.

Q. How was the boy punished?

A. Across the legs.

Q. What with?

A. I presume with a strap.

Q. How do you know he was punished across the legs?

A. I saw the marks of the blows afterwards in the bath-room.

Q. How long afterwards did you see the boy?

A. It might have been a fortnight.

Q. Do you think it was as long as a fortnight?

A. It might have been, and it might have been longer; I cannot state precisely?

Q. Well, what was the nature of this punishment? You say you saw him a fortnight afterwards, and saw his legs?

A. His legs were badly marked, so much so that I inquired of Mr. Armitage, the officer who had charge of the bath-room, who the boy was; he was back to me at the time, and had not his clothes on.

Q. Well, did the marks show upon the boy at that time?

A. They did at that time.

Q. Was the skin broken at all?

A. I cannot say that it was, but it was badly discolored.

Q. Badly discolored upon his body?

A. No sir, upon the calves of his legs.

Q. Did you ask the boy anything about his punishment?

A. I did not.

Q. You were in the room adjoining when this punishment was going on, were you?

A. I was.

Q. This punishment took place, where?

A. In the superintendent's private office.

Q. About how many blows should you judge were struck?

A. I should have to judge, as I cannot tell—perhaps 25.

Q. Did you hear the boy scream during the punishment?

A. I did.

Q. How old a boy was this, by the way?

A. I should judge about 17.

Q. Is he now, or was he connected with the institution when you left it?

A. He was.

Q. There has been something said about the punishment of the boy Fitz-Gibbons; do you know anything about his punishment?

A. Nothing, only from hearsay.

Q. Well, what do you know by hearsay?

A. I have heard Mr. Chase say that he was punished three times,—

once by the superintendent, once by Mr. Chase, and the third party, I think, he did not name.

Q. When was this Fitz-Gibbons punished?

A. That I cannot tell you.

Q. It was while you were connected with the institution, was it?

A. It was not.

Q. How long prior to that?

A. That I cannot tell you, because I do not know the date of the occurrence.

Q. What was it that Mr. Chase, the clerk, told you about it?

A. That the superintendent and himself had punished the boy.

Q. Well, did you understand that this was for one offence?

A. I supposed so.

Q. What was that, you supposed so?

A. I did.

Q. That the superintendent and Mr. Chase, and some third party had punished this boy. Did Mr. Chase, the clerk, tell you how severely he punished him?

A. Until he was tired, and rested, and tried again, and that he fainted.

Q. Do you mean to say that he was punished until he fainted; and then commenced again, and the boy fainted under the second punishment? Do I understand that Mr. Chase punished him twice?

A. I will make the same statement I did before, that you may understand. He commenced to punish the boy, and became exhausted; he then rested and continued the punishment, and during the latter part of the punishment the boy fainted.

Q. (By Mr. SANBORN.) I understand that the officer was exhausted before the boy was?

A. He was.

Mr. PRESCOTT. I would say, Mr. Chairman, that I have many other questions to ask Mr. Phillips. I have got a matter coming up as soon as the House comes in, at half-past one, and it would suit my convenience, if it would the other members of the Committee, to adjourn a little earlier to-day,—say at half-past twelve o'clock.

Mr. WASHBURN. I think we should sit, if possible, until one o'clock; and either let Mr. Hyde go on, or let Mr. Denny ask the questions.

Mr. PRESCOTT. But I have questions to ask myself.

Mr. WASHBURN. We are all here, and have got to meet Monday, anyway. I think we had better go on.

Q. (By Mr. PRESCOTT.) Mr. Phillips, I want to understand rather more definitely than I do now, in regard to the punishment of this boy Fitz-Gibbons,—just what Mr. Chase told you.

A. Mr. Chase told me that the superintendent punished the boy; he then took the boy and punished him until he was tired, and rested; then he commenced again, and the boy fainted during the second punishment.

Q. Does Mr. Chase frequently punish boys?

A. Not very frequently.

Q. What became of Fitz-Gibbons afterward?

A. I cannot tell you.

Q. How soon after the punishment did Mr. Chase tell you of it?

A. Not knowing when the punishment was inflicted, I cannot tell you. Chase told me two or three, perhaps four times, during the summer.

Q. What other cases of punishment have you known by the officers of the institution?

A. There have been many, but I don't recollect any particular case at present. Mr. Wheatley once whipped a boy for swearing, and punished him, I considered, unnecessarily severely.

Q. Did you see him when he was punished?

A. I did not.

Q. Did you see him afterwards?

A. I saw him as he came from the room in which the punishment was administered.

Q. Where was the punishment administered?

A. I am not sure whether it was on his person, or not. I cannot say; but I should judge from the sound of the blows that they were.

Q. Well, how severe was it?

A. I should judge that he had 60 blows administered.

Q. You say you think he was punished across the back?

A. I should judge so, by the sound of the blows.

Q. You were in the adjoining room, were you?

A. I was.

Q. Did you hear the boy's outcries?

A. I did.

Q. How soon after the punishment did you see the boy?

A. Immediately after.

Q. Did you consider it as a very severe or an unnecessarily severe punishment?

A. I did.

Q. Do you remember when this was?

A. I think very nearly the first of the year; probably in December; I cannot state positively.

Q. (By Mr. HYDE.) Just let me get the name of that boy?

A. I think his name was Dudley.

Q. How old a boy was this?

A. I should judge 18.

Q. (By Mr. PRESCOTT.) What other officers have you known to punish boys there?

A. I do not recollect any other at present.

Q. Did you ever know of Mr. Bigelow's punishing any boys?

A. He has punished boys; all the officers have punished boys.

Q. Do you know of any particular cases of his punishment,—having seen the boys afterward?

A. I do not recollect of any at present.

Q. When these boys are punished, are they told before punishment what they are being punished for?

A. Sometimes.

Q. Are they always?

A. No, sir.

Q. Are they usually punished at the time of the occurrence of the offence?

A. Generally.

Q. (By the CHAIRMAN.) How do you know they are not told beforehand what the punishment is for?

A. From the fact that I have punished boys who did not know what they were punished for.

Q. Do you know of any other teacher punishing boys not telling them what they were punished for?

A. I do not.

Q. (By Mr. SANBORN.) Have you any reason to believe that your practice in that respect differed from the other officers?

Mr. HYDE I suppose in any case where the boy understood the reason he did not tell him.

Mr. PHILLIPS. I have sometimes punished a boy when he denied committing the offence, but he generally acknowledged it very soon.

Q. (By Mr. PRESCOTT.) Well, are the boys in the dining-room sometimes punished by having their food taken away from them, or by having to eat different food?

A. They are.

Q. Do you remember any notable case where a large number of boys were put on short rations?

A. Yes, sir; I recollect a time when the whole of the upper department, with the exception of the boys employed in the officers' quarters, were placed on short rations.

Q. For what aggravated offence?

A. Such as disturbance in the chapel, making a disturbance in the sleeping-hall at night, and hooting in the yard.

Q. How many boys were punished at that time in this way?

A. I should judge the upper department consisted of 125 boys; perhaps more.

Q. What did they have for dinner that day?

A. I think they had bread and water.

Q. Well, they were not told by the officer in charge what they were put on short rations for at that time?

A. Not by the officer in charge; they were told by myself.

Q. Did the officer object in any way to your telling the boys why they were thus punished?

A. I will make a statement.

Q. That is what I desire.

A. I had stated to the superintendent, when he arrived home one afternoon, that the boys had been disorderly.

Mr. PRESCOTT. Mr. Chairman, may I ask that the witness may withhold his statement until I return. There is a gentleman at the door who wishes to see me a moment.

The CHAIRMAN. He can go on with his statement.

Mr. PRESCOTT. I should like to hear his statement.

Mr. PHILLIPS. I think the Committee have the statement that I made.

The CHAIRMAN. We will wait a moment, until Mr. Prescott gets back.

Q. (By Mr. PRESCOTT.) Well, will you state the circumstances that occurred in the dining-room at that time?

A. I may not, perhaps, state it correctly. If you will refer to the papers which you have in possession, you will find an exact statement as it occurred at the time.

Q. (By the CHAIRMAN.) What statement are you now referring to?

A. In regard to placing these boys on short rations, and the effect it produced.

The CHAIRMAN. I have not any such papers in my possession.

Mr. PHILLIPS. I declined to leave it in the hands of the Committee, but finally, upon being pressed, I placed it in the hands of the Committee.

Q. (By the CHAIRMAN.) Who pressed you to leave it?

A. Both the Chairman and members of the Committee.

The CHAIRMAN. Well, you can go on. Whatever it is, I do not recollect it, myself.

Mr. PRESCOTT. I remember his handing to members of the Committee a detailed statement of this affair, that he took down at the time.

Mr. TRAIN. I never saw it.

The CHAIRMAN. What was it?

Mr. PRESCOTT. About the trouble with Mr. Wheatley.

The CHAIRMAN. I do not know what he refers to; why not go on?

Mr. PRESCOTT. You may state as correctly as you can the circumstances.

Mr. PHILLIPS. As nearly as I recollect, I called the superintendent's attention to the fact that the boys had been disorderly in the chapel that afternoon, that they had been disorderly in passing from the chapel to the yard, and upon arriving in the yard they made unnecessary noises and hooting, and the same evening, after the boys had retired, there was a disturbance in the sleeping-hall. I told him that unless he had objections, I would like to have the boys next day go without their food and be placed on short rations. He said all right. The next morning, as I entered the dining-room to take the report which I did at each meal to see if anybody was absent, I found they had been placed on short rations. If I am not mistaken, the officer who usually has charge of the dining-room was absent that morning, and I took the position myself. During breakfast the boys made a murmuring noise. I spoke of the fact to the superintendent after breakfast, and at dinner-time I went to the dining-hall as usual and collected the reports, and said to the officer in charge of the dining-hall, Mr. Wheatley, that I would like to say a word to the boys after he called them to attention, which was usually done before they commenced their dinner. Apparently he paid no attention to me, but turned his back upon me and called the boys to attention.

There was necessarily a short space when it was quiet, and I took that opportunity to say a word to the boys; telling them why they were placed on short rations, and the only way in which they could have full rations again. When I commenced to speak, the officer who had charge of the dining-room threw himself on the centre-table and manifested his displeasure at my remarks and his sympathy with the boys. He gave the word for the boys to commence their meal, and immediately

started from the dining-room and went into the kitchen,—his place was in the dining-room. I, as a matter of course, was obliged to remain there until he returned, because he had left the dining-room unprotected, giving the boys an opportunity to create a riot at that time if they wished to. They very soon grasped the idea and murmured very loudly. I called them to order and addressed a few words to them, and told them I hoped the remainder of the meal would be eaten in the usual silence, and it was done. I communicated the fact to the superintendent, and that is what you have reference to, I suppose.

Q. (By Mr. PRESCOTT.) What action was taken by the superintendent in regard to the matter?

A. I cannot tell you. I do not know that any action was taken. I did not know at that time that any action was taken, or that any was not taken.

Q. What was your point in the matter? Did you desire the boys should know why they were put on short rations?

A. I did, most certainly.

Q. And you judged from Mr. Wheatley's conduct that he was displeased at your desire to tell the boys why they were put on short rations?

A. It appeared so to me.

Q. (By Mr. TRAIN.) You accomplished your purpose, did you not?

A. I did, in a measure.

Q. (By Mr. PRESCOTT.) Were you present at the outbreak on January 12th?

A. I was seated in the office, a short distance from the dining-room, engaged in conversation with Mr. Chase and a gentleman by the name of Marchington, who were there at the time. I was just taking off my coat to go on duty, when we heard a very loud noise and were immediately notified that the boys were "raising," a term which is used to designate a disturbance there. I started for the dining-room, and heard a shot fired above the noise of broken crockery. The pistol shot had the effect to partially quiet the disturbance. The boys were beginning to get uneasy again, and the partial quietness that had been commenced by the firing of the pistol was overcome by the noise which immediately followed. When I entered the room, the boys were in the act of throwing the bowls; many of them placed the bowls upon the table, and it was very quiet. I saw a number of boys lying on the floor with wounds on the head. One officer had been struck with a bowl over the forehead, and was bleeding badly. I immediately asked the officer in charge,—who, by the way, was Mr. Wheatley,—who the ringleader was. He said he knew, and would tend to him. I saw it was useless to try to get anything from him, and immediately proceeded to other business.

Q. (By Mr. SANBORN.) Who fired the shot?

A. I did not see the shot fired, but think it was fired by Mr. Davis, the officer of the third school; it was the officer that was struck with the bowl.

Q. (By Mr. PRESCOTT.) Well, do I understand from what you say, that you considered these officers were insubordinate to you?

A. I considered that Mr. Wheatley, one of them, was.

Q. He refused to answer you when you asked him who the ringleader was?

A. He did. I gave certain directions to other officers, all of whom obeyed instantly.

Q. You were then assistant superintendent of the institution?

A. I was.

Q. Well, Mr. Phillips, in your best judgment, what was the cause of that outbreak?

A. The general impression upon my mind at the time was, that an officer struck one of the boys, and he resented it, and communicated it to his fellows, and they concocted this plan. Another thing was, that the boys expected soon to go into the enlargement, which was supposed to be a stronger part of the building. Another thing, which I think was the most direct cause, was the fact of this officer showing the spirit that he did in the dining-room that day.

Q. What officer was that?

A. Officer Wheatley.

Q. That was the spirit shown?

Mr. HYDE. Allow me to ask a single question.

Q. (By Mr. HYDE.) This trouble in the dining-room was on the same day that the riot occurred in the school-room?

A. It was.

Mr. SANBORN. That was the beginning of it.

Q. (By Mr. PRESCOTT.) What was this conduct of Mr. Wheatley, the officer?

A. As I stated before, throwing himself upon the centre-table, and manifesting by his countenance and actions his displeasure at my remarks to the boys, and showing full sympathy with them.

Q. What do you mean by throwing himself upon the table?

A. Well, as I would if I should launch myself upon the table, place my elbow upon the table, and my head upon my elbow, throw up my feet, and put my hands in my pockets.

Q. You mean he was in that sulky mood because of your desire to explain to the boys at that time why they were put on short rations?

A. I do.

Mr. DAVIS. It seems to me that the illustration that Mr. Phillips was attempting to make was an illustration that Mr. Wheatley performed about the same acts in respect to him that Mr. Phillips would to Mr. Prescott if he should throw himself upon this table; and that is what he intended to illustrate. I would like to have that fully understood now.

Mr. PHILLIPS. I described it as nearly as I could, and I suppose the gentlemen understood it.

Q. (By Mr. SANBORN.) Were his gestures insulting?

A. They were, decidedly so.

Q. (By Mr. PRESCOTT.) You think that created a rebellious spirit among the boys?

A. It did.

Q. Do you know anything about this officer Bigelow striking this boy Collins?

A. From what he told me, I can give you his words, I think?

Q. Who told you?

A. Officer Bigelow.

Q. What did he tell you?

A. He told me a boy attempted to come over the line; and he, having his glove on, struck him on the shoulder, and pushed him backwards into the line?

Q. This occurrence was when?

A. A very short time previous to January 12th.

Q. (By the CHAIRMAN.) Was it not that day?

A. I think not.

Q. Let us understand that?

A. I think not; I am not positive.

Q. Well, I want to understand that. You say the cause of this disturbance was officer Bigelow pushing a boy by the shoulder back into the line?

A. That was one of the causes.

Q. That was one of the causes of the disturbance which occurred some days after he pushed this boy in this way?

A. Precisely.

Q. You do not show any connection between that and the disturbance?

Q. (By Mr. SANBORN.) It was the same boy who began the disturbance?

A. It was.

Q. (By the CHAIRMAN.) I think the Committee did not understand it from your testimony before. You say that some days previous to the 12th of January, officer Bigelow, with a glove upon his hand, pushed a boy by the shoulder into his place in the line, the boy being out of his place; that is correct, is it?

A. Precisely.

Q. That is the statement this gentleman made to you. And that developed a spirit of insubordination which on the 12th of January burst out among these boys in the supper-room. Is that your idea?

A. That is my idea precisely.

Q. (By Mr. PRESCOTT.) Do you think you were not properly sustained there in your authority as assistant superintendent?

A. I thought so at the time.

Q. Sustained by whom? Do you mean to say the superintendent did not sustain you in your authority?

A. If he sustained me, I was not aware of it; I knew of no punishment inflicted upon the officer. There may have been punishment inflicted upon him.

Q. You communicated to him the fact of Mr. Wheatley's conduct in the adjoining room?

A. I did.

Q. What did he say?

A. Well, not to be positive, I think I had some little conversation in

regard to it, and I know I spoke to Mr. Wheatley in regard to it. I think the Colonel spoke, but I am not positive. I do not know whether he was reprimanded or not.

Q. What is the reputation of this officer Bigelow among the boys there?

A. I think the boys as a general thing dislike him; although I have heard other boys say he was an officer that always did his duty.

Q. Did you know the fact of his former connection with the institution?

A. I did not.

Q. Did you know he was once discharged from the institution?

A. I have learned that fact since; it has been stated here.

Q. Do you think these punishments inflicted upon the boys there from time to time were known to the board of trustees?

A. I think some of them were, from the fact that the teachers have to report all corporal punishment which they administer to the superintendent once a month.

Q. Yes, but do you think the trustees were knowing to the punishments by the use of the hose?

A. I think some of them were.

Q. Who?

A. I cannot say positively; it is simply my opinion.

The CHAIRMAN. Mr. Prescott, it takes a good deal of time to ask these questions, and we have had read to us from the records of the trustees the very fact that they did know about these punishments. Now what is the use of taking any time to go into an investigation on that point?

Mr. PRESCOTT. What do I understand was read from the record.

The CHAIRMAN. Dr. Harvey in his testimony yesterday read from the report of the superintendent to the trustees with reference to all these punishments. Am I not correct, Dr. Harvey?

Dr. HARVEY. In the testimony, sir, which I gave yesterday, I read from the records concerning the establishment of the box, and the record in reference to the use of the strait-jacket, etc.

Mr. PRESCOTT. Do I understand, Mr. Chairman, that this was a report made before or after the punishments were inflicted?

The CHAIRMAN. That was at one of the quarterly meetings.

Dr. HARVEY. I read from the quarterly report at the time the box was established.

Mr. SANBORN. What Mr. Prescott wants to know is, whether these trustees knew that these punishments took place.

The CHAIRMAN. And he has testified to it, directly. I have no sort of objection, except to save time.

Mr. SANBORN. Was it testified to except by Dr. Harvey?

The CHAIRMAN. He is the only trustee that has been before us.

Q. (By Mr. PRESCOTT.) I want to know whether the trustees were knowing to the mode of punishment by use of the hose; for instance, if they played upon the boys, whether that was a mode of punishment of which they were cognizant.

A. That I cannot tell you positively.

Q. Do you think any of the trustees knew about it?

A. I am under the impression that Dr. Harvey did. It is simply an impression.

Q. I understand that in cases of your own punishment, you made a record of them?

A. No, sir, I did not.

Q. When you strapped a boy?

A. I made no record of that.

Q. Were you not required to do so, by the rules?

A. I think not.

Q. Were you never asked by the superintendent to make any record of your punishments?

A. I never was.

Q. (By Mr. SANBORN.) Were not these blanks furnished to you for that purpose?

A. They were not furnished to me, sir. The first time I saw one of these blanks was within three months of the present time.

Q. After you had been there six months?

A. About that time.

Q. Have you not seen these reports made by other officers?

A. I had seen reports come in, but what they were— I did not look at them; they were passed to the clerk of the institution, and not to myself.

Q. You did not consider it a part of your duty, then, to examine them?

A. No, sir.

Q. Did anybody examine them, so far as you observed?

A. The clerk took them, I think, and placed them on file.

Q. (By Mr. PRESCOTT.) Did you understand you were restricted, in any way, in regard to the severity of punishments?

A. Not at all.

Q. Or in regard to the mode of punishment?

A. Not at all.

Q. Did you consider you had authority to inflict any punishment that you saw fit upon the boys?

A. Most certainly.

Q. If, in your judgment, it was proper?

A. I did.

Q. You did so consider?

A. I did.

Q. (By Mr. SANBORN.) Was any copy of the by-laws of the institution ever put into your hands?

Mr. PRESCOTT. I desire to state that I shall ask some further questions of this witness at some future time.

The CHAIRMAN. Before the Committee adjourns, I will just state that we shall adjourn this hearing and meet Tuesday next, probably in this room, and Mr. Phillips' testimony will be continued then. I wish to ask Mr. Phillips two or three questions, just now.

Q. (By the CHAIRMAN.) You have testified now with reference to the punishments of the institution, in answer to the inquiries of Mr. Prescott I wish to know whether, in your opinion, you consider the discipline in that institution too severe?

A. I think in some cases, the discipline and punishments have been severe.

Q. Generally, do you think they have been too severe?

A. I think, generally, they have not been.

Q. Do you think, generally, they have been as severe as they should be?

A. In some cases not so severe.

Q. Well, generally, as severe or not, as they should be?

A. Fully as severe.

Q. Do you think the use of the sweat-box is too severe a punishment?

A. In warm weather, I should say it was.

Q. Do you think, generally, the use of the sweat-box was too severe a punishment for the offence you have known it used for?

A. It would depend upon the length of time.

Q. Well, my question is sufficiently definite for you to answer. In your opinion do you think the punishment in that sweat-box was too severe for the offence committed?

Mr. SANBORN. Does it appear that he knows how long the boys were kept in the box. I should like to know what he knows about it.

The CHAIRMAN. Very well, he has been asked about that; he has told us that he saw a boy come out perspiring very much. Now, my question is whether in his opinion the use of the sweat-box was too severe a punishment for the offence committed?

A. As far as the offences for which I have put boys in there are concerned, I think it was not. I do not know the offences for which other officers put boys in the box.

Q. So far as you know, do you not think that is too severe a punishment?

A. I do not.

Q. Do you think all the punishments, so far as you know, were judicious or injudicious?

A. I will state that they do not produce the effect that is intended. The punishments have created a spirit of rebellion among the boys, which I think milder forms would not have done.

Q. Would you call that judicious or injudicious punishment that produced that effect?

A. Rather injudicious in some cases.

Q. I understand you to say in some cases, but not in all. Do you remember your testimony before the Committee?

A. I do not.

The CHAIRMAN. I will read what you said on the 7th of February in reference to this point.

Mr. PRESCOTT. Have you not got that other statement that Mr. Phillips put in before this Committee?

The CHAIRMAN. I have not got it, but I think it is substantially what he has said here to-day.

In answer to my question on the 7th of February, you stated as follows: "Does not think the discipline has been too severe, and, if anything, too lenient; sweat-box frequently used, but never too severely for the nature of the offence; thinks the discipline is of a reformatory character; punishments in the main are judicious." As far as my knowledge goes that was your statement before this Committee. I will only ask now whether the statement you made at that time is still your opinion; whether you confirm the statement of the 7th of February, as I have read it.

A. With some few exceptions, which I did not recall at that time.

Q. You stated, then, that the discipline had not been too severe, and, if anything, too lenient. You stated, then, that the sweat-box was frequently used, but never too severely for the nature of the offence. You stated, then, that you thought the discipline was of a reformatory character, and that the punishments in the main are judicious. That is correct, is it?

A. In the main.

Mr. TRAIN. I move we adjourn.

The CHAIRMAN. This hearing stands adjourned until Tuesday next at 10 o'clock, A. M.

FIFTH HEARING.

TUESDAY, April 3, 1877.

Senator DENNY in the chair.

Mr. SANBORN. I want to state to the Committee what I ought to have stated the other day, and intended to have stated, but what I supposed was well understood. I appeared here the other day to take the place of Mr. Allen, who had been conducting this inquiry on the part of the boys, if I may so speak. He told me that sometimes he should be absent, and asked me if I could come in to take his place. I told him I was very much engaged before another committee, but if it were possible, I would come in if he would send me word the day before my services were needed. That is the reason I appeared the other day. The newspapers said, without exception, that I was counsel for Mr. Hinckley; that may be intended merely as a joke. Mr. Hinckley needed no counsel; and if he had, he could not have applied to me for that purpose; I merely took Mr. Allen's place for the time being.

Mr. HYDE. I will state, Mr. Chairman, before we proceed, that the much-talked-of trace, which was put in before, has been found by Dr. Harvey, and I will leave it with the Committee.

The CHAIRMAN. Mr. Phillips will please come forward, and we will continue his examination.

Mr. W. S. PHILLIPS—*Continued.*

Q. (By the CHAIRMAN.) I want to ask you a very few questions. Had you any personal knowledge of the punishment inflicted, as stated by Mr. Hinckley, as inflicted upon the boy Watson?

A. I had not.

Q. Had you any personal knowledge of the punishment inflicted, as stated by Mr. Hinckley, upon the boys Goss, Turner, and Quinn?

A. I had not.

Q. Had you any personal knowledge of the punishment inflicted, as stated by Mr. Hinckley, upon the boy Fitz-Gibbons?

A. I had not.

Q. As assistant superintendent, did your duties bring you frequently and constantly in contact with the boys?

A. They did.

Q. Did the boys have opportunity to see you at any time they pleased?

A. They did.

Q. Did the boys, at any time, complain to you of cruel treatment they were receiving from any officers of the institution?

A. I think they did.

Q. Can you call to mind particular cases?

A. I do not recollect any at present.

Q. Do you think they have complained to you of cruel treatment, and that you cannot call to mind, at this moment, any particular cases?

A. I do.

Q. I think you stated on Saturday, as you stated a month ago, that in your opinion the discipline at Westborough was not cruel or unnecessarily severe?

A. Not generally.

Q. Not generally; you think there have been particular cases in which it may have been?

A. I do.

Q. Can you call any of these particular cases to mind that you personally know of?

A. The case of Sullivan, punished by Mr. Wood. I saw the marks on the boy's back and body; apparently the first blows of the strap had raised large blisters, and the following blows had taken the blisters off, leaving the flesh raw.

Q. Did you witness that punishment?

A. I did not witness the punishment.

Q. How long after he was punished did you see the boy?

A. I think it might have been a day or two; I will not be positive.

Q. Were you familiar with the nature of the offence for which the boy received the punishment?

A. I was.

Q. Will you state the circumstances attending it, so far as you know anything about it?

A. There was a supposed attempt to take meat from the dining-room table.

Q. Will you please state all the facts. Was that the only cause of the punishment?

A. So far as I know.

Q. How do you know that was the cause?

A. From the mistress of the Farm House, and also from the master.

Q. Who were the mistress and master of the Farm House?

A. Mr. and Mrs. Hinckley.

Q. Mr. and Mrs. Hinckley, then, told you that the cause of the boy's punishment was an attempt to take meat from the dining-room table. Was that it?

A. It was a supposed attempt.

Q. Did they state any other reasons for the punishment than this as you have now stated?

A. Not to me, sir.

Q. You do not understand that the boy had been guilty of any other offence than attempting to take meat from the dining-room table?

A. I did not.

Q. And for that reason he received this punishment from Mr. Wood; that is all you know about the cause of his punishment?

A. That is all I know, sir.

Q. Can you call to mind any other punishment which you considered excessive, severe or cruel, other than that of the boy Sullivan you have just referred to?

A. The case of another Sullivan boy, who belonged to the main institution, and was connected with the first school. He was whipped by Mr. Wheatley across the head and shoulders,—in fact, all over his body.

Q. When was that?

A. I think it was in December, but I cannot state positively.

Q. Did you witness the occurrence?

A. Part of it.

Q. Well, sir, please state the particulars, as you saw them.

A. I went to the dining-room, as usual, to take the reports and to see if any boys were absent. I found that Mr. Wheatley and the Sullivan boy were absent, and, as they had not been reported at the office, it was my duty to find them. On my rounds I heard a noise. I started and went to where the noise proceeded from, and found that Mr. Wheatley was punishing the Sullivan boy, striking him across the head, shoulders and face.

Q. Did you know what he was punishing him for?

A. I did not.

Q. What was he punishing him with?

A. A trace.

Q. A what, sir?

A. A horse trace.

Q. Mr. Wheatley used something similar to that? [Showing a piece of a trace.]

A. I should say it was.

Q. Where was that punishment,—in what part of the institution?

A. Partially in the school-room, and from thence into the entry.

Q. Was the boy struggling violently?

A. At times.

Q. Was he not all of the time?

A. Not all the time, because he remained quiet.

Q. Did you consider Mr. Wheatley used unnecessary violence at the time?

A. I thought his punishment was too long.

Q. Did you consider that Mr. Wheatley used unnecessary violence at the time?

A. I did.

Q. Did you so report it to your superior officer, the superintendent?

A. I did not.

Q. Why did you not report the fact, if you considered that the punishment was unnecessarily severe?

A. I supposed that no notice would have been taken of it, if I had.

Q. Did you report to the superintendent the other case of severe punishment you spoke of,—that of the other boy, Sullivan, punished by Mr. Wood.

A. I did not.

Q. Why?

A. For the same reason.

Q. That you thought the superintendent would take no notice of it,—do I understand you to say that?

A. You do.

Q. What made you suppose that the superintendent would take no notice of reports made of excessive punishment of the boys?

A. From the fact that he took a peculiar method, perhaps, and seldom conferred with his officers in regard to punishments, as far as I was concerned.

Q. I do not understand you. Will you please state the reason again why you considered it would be useless to report to the superintendent cases of severe punishment?

A. From the fact that I had reported other cases and no notice had been taken of it, as far as I am aware.

Q. What other cases had you reported that no notice had been taken of?

A. Not cases of punishment.

Q. What had you ever reported to him that he had taken no notice of?

A. The affairs in the dining-room that had occurred from time to time, the officers being late, and many other small things, which I do not recollect.

Q. How do you know the superintendent took no notice of your observations?

A. I do not know.

Q. You do not know whether he took notice of it or not?

A. Not to me.

Q. Did you not just now state that the reason you did not report these cases of severe punishment was that you thought that the superintendent would take no notice of them?

A. That is what I stated.

Q. And the reason why you thought he would take no notice was because you had made reports of other offences of which he had taken no notice?

A. Precisely.

Q. I asked you what these offences were, and you say of a trivial nature, were they not?

A. Some of them were, and others were of a very gross nature.

Q. Well, will you state those of a very gross nature which you refer to?

A. Well, a subordinate officer insulting the assistant superintendent while in the performance of his duty; the case which I referred to last Friday.

Q. You refer to the case of Mr. Wheatley leaning on his elbow and not apparently paying attention to your suggestion?

A. I do.

Q. You did report that to the superintendent?

A. I did.

Q. You say that you know that the superintendent paid no attention

to this suggestion, and that was the reason why flagrant cases of punishment were not reported by you?

A. So far as I know.

Q. Well, do you know that privately he did not pay attention to it?

A. I do not.

Q. Then, why do you assume that he would not pay attention, if you had reported these flagrant cases?

A. From the fact that he had not stated anything to me in regard to these cases.

Q. Would he be likely to report anything to you? If you went to the superintendent and reported a case of gross negligence on the part of any subordinate officer, it would be for him to take it in hand, would it not?

A. Very true; but I think my position warranted a little confidence in regard to the matter.

Q. Do you know whether the superintendent did or did not, in the case you have mentioned, take any notice of it?

A. I do not.

Q. You do not know whether he did or did not?

A. I do not.

Q. You now state, do you, that the case of punishment by Mr. Wood, the assistant superintendent,—the offence, as far as you know, was, that the boy merely attempted to take a piece of meat from the table?

A. So far as I know.

Q. Did you ever hear that that boy was guilty of any other offence at that time which caused that punishment?

A. I did not.

Q. You never did hear anything further than that?

A. I did not.

Q. You did not know that that boy and others had been engaged in riotous proceedings that forenoon?

A. I did not.

Q. You never heard so?

A. I never heard so.

Q. Are there any other cases, in the six months that you were at the institution, of cruel punishment of the boys that you can call to mind, except these two that you have personal knowledge of?

A. I do not recollect them at present.

Mr. PRESCOTT. I would like to make this remark, Mr. Chairman. You ask if there is any case of cruel punishment. It would be better for him to state whether there were any punishments, and then let the Committee make up their minds whether they were cruel or not. I think he stated on Friday last that there were five or six boys played upon in a naked condition in the lodge. He might not consider it cruel, while this Committee might.

The CHAIRMAN. If you will permit me, I will continue the examination.

Q. (By the CHAIRMAN.) Do you know of any other cases in which you considered the punishments severe, in the six months you were

there, with the exception of the two you have mentioned, of your own knowledge?

Mr. PRESCOTT. I appeal to the Committee, Mr. Chairman, if it would not be better to ask what punishments were administered, rather than what severe punishments, because there might be punishments he would not speak of in answering the question put in that form.

The CHAIRMAN. It is of course admitted that there were a great many punishments in the institution—have been in the past, and will be in the future. What we want to get at is, whether these punishments were cruel and unjustifiable.

Mr. PRESCOTT. Are we not to be the judges of that?

The CHAIRMAN. Certainly we are.

A. I think there have been cases, but do not recollect them at present.

Q. Now, I have asked you in reference to punishments in general; I have also asked you in reference to punishments by flogging; now, I ask you specifically with reference to punishments by the use of cold water. Do you know of any punishments in which cold water was used, which you thought at the time were excessive or cruel?

A. Not at that time.

Q. Do you think, now, of any punishments by the use of cold water that were excessive?

A. I think they were all excessive.

Q. Why did you not think so when they occurred, and why do you think so now?

A. From the fact that I was under discipline, and was expected to punish whenever punishments were necessary.

Q. That did not deprive you of your reason at the time, did it? You had your discretion as much then as now?

A. I did.

Q. You say you did not think they were excessive at the time?

A. I did not think so at that time.

Q. You think so now?

A. I do.

Q. Did you ever protest against any punishment that you had been witness to or heard of, while you were there?

A. I think not.

Q. I do not wish to misunderstand you, Mr. Phillips. You say that there were no punishments by the use of cold water which you thought were excessive at the time they were administered?

A. At that time.

Q. You do think they were excessive now?

A. I do.

Q. How long since your mind changed with reference to these punishments?

A. I cannot state positively.

Q. Well, sir, state as near as you can. It is quite important to know what caused the change in your mind with reference to that?

A. Well, within six weeks.

Q. Within six weeks there has been a change in your views with respect to the punishments at the institution, has there?

A. Yes, sir.

Q. Can you give us the reason why there has been any change in reference to your views of the punishments in that institution?

A. Because I think it is not a proper way to reform boys by punishment.

Q. That does not answer my question at all. You say you entertained these views previous to six weeks ago, and within six weeks your views have changed. Now, I ask what caused that change in your mind?

A. From the fact, I think it is not a proper way to bring boys to reform.

Q. That is not an answer. You thought it was proper six weeks ago, and now you think it is improper; now, I want to know what has brought about the change in your views?

A. Precisely what I stated.

Q. Well, what is it?

A. The answer I have given twice; that I think it is not a proper way to reform boys.

Q. Well, why do you think so now, when you did not think so six weeks ago?

A. From the same reason that a party has a right to change his opinion on any question.

Q. I wish to know what caused that change of opinion?

A. I have told you, sir.

Q. No, you have not.

A. I supposed I had.

Q. You state the fact your opinion has changed; I ask you what has brought about that change,—have you no other reason to give?

A. I have no other reason, sir.

Q. How many weeks is it since you left the institution?

A. I left February 8.

Q. It is not far from six weeks ago?

A. It is in that vicinity.

Q. Now, do you consider that your leaving the institution has had any influence in changing your views with reference to punishments?

A. I do not hardly think it has.

Q. You do not? Why did you leave the institution?

A. Because I wished to; there was no special reason. I thought I should not be supported by those in authority if I remained; consequently I resigned.

Q. Are you aware whether your duties, as performed, were satisfactory while you were in the institution?

A. I never heard anything to the contrary.

Q. Have you any reason to suppose they were not?

A. I have not.

Q. I think you stated, Mr. Phillips, that you had never had experience in the charge of boys previous to going to the Westborough institution, except in the Sunday school?

A. I did, sir.

Q. What was your opinion of the boys while you were in the institution?

A. Some were good boys and some were very—what we would call hard boys—disagreeable boys to manage.

Q. As a whole, do you consider them hard or easy to manage?

A. Difficult; hard.

Q. Hard to manage. Did you approve or disapprove of the usual punishments of the institution while you were there?

A. I was not entirely satisfied in my own mind in regard to the punishments?

Q. Well, sir, you were not settled in your own mind whether they were proper or improper, then?

A. No, sir.

Q. You remember you stated, did you not, that the punishments were, in your judgment, severe while you were in the institution?

A. I believe I made that statement.

Q. At the same time, you were not satisfied in your own mind whether they were proper or improper?

A. Not at all times.

Q. Well, at any time, did you consider that they were otherwise than proper?

A. I did.

Q. Punishments which you inflicted yourself?

A. Yes, sir; that I inflicted myself.

Q. Then you inflicted punishments in the institution which you considered improper?

A. I have.

Q. Why did you do it?

A. Simply to carry out the discipline.

Q. Do you mean to carry out instructions, or simply to be able to manage the boys?

A. To carry out instructions.

Q. Could you have used any other mode that was not severe, if you had chosen to do so?

A. I think I could.

Q. Then, why was it necessary for you to use severe punishments to carry out instructions, if you had discretion to use other forms?

A. I cannot state.

Q. Well, it is very material. If you inflicted severe punishments while you were in the institution, because you believed you were carrying out your instructions, and at the same time you say you had it at your discretion to inflict other forms of punishment and yet did not do it, why did you not do it?

A. I cannot state.

Q. You say, Mr. Phillips, you do not know why you did not do it?

A. No, sir.

Q. You know of no reason why you left the institution, except of your own free will?

A. No, sir.

Q. Do you not know, sir, that you did not give satisfaction in the institution?

A. I was not aware of it until the present moment.

Q. You never had fault found with your management of the boys?

A. No, sir.

Q. You say you have punished boys too severely. Do you know whether you have punished them as severely as anybody else punished them in that institution?

A. That I cannot say. Some officers punished very severely; but it was seldom that I saw a punishment inflicted.

Q. Did you think at that time you ever punished a boy more severely than the offence demanded?

A. No, sir; I did not think I did.

Q. Did you think any officer in the institution punished more severely than the offence demanded?

A. That I cannot say.

Q. You do not know that they did?

A. I do not know that they did. There is nothing that occurs to me at present, with the exception of the Sullivan boy.

Q. Punished by Mr. Wood?

A. Punished by Mr. Wood. That was during this investigation; and also by Mr. Wheatley, the case I referred to a few moments ago.

Q. These are two cases in which you think the punishment may have been more severe than the offence demanded?

A. Those occur to me at present.

Q. You have just stated that you punished boys more severely than you ought to have done, have you not, because you thought the rules required it? You have stated so, have you not?

A. I do not recollect whether I stated so or not; I may have stated so.

Q. You stated that within five minutes, in answer to my question, that you thought the punishment you had inflicted was too severe, and you so punished because the discipline of the institution required it. You now say you never punished a boy more severely than you thought the case required?

A. The case I had in my mind, when you asked me these two questions, I will state, if you wish.

Q. Yes, sir.

A. It was the case of a boy by the name of Cahoon, punished by having water played upon him. The officer appealed to me to know if he had had enough. I told him to use his own judgment. He again asked the question, and I thought he should have more.

Q. You said you thought he ought to have more?

A. He asked the question, and I told him to use his own judgment. That was the case I had in mind when you asked me a question, and I gave an answer which was not as I could answer conscientiously.

Q. Now, do I understand that this punishment of Cahoon was more severe than the offence demanded?

A. That was the case I had in my mind.

Q. Do you say it was more severe than it ought to have been?

A. I thought so, but do not now. I thought so a few moments ago, when I stated it.

Q. What do you think at this moment? A few moments ago you thought it was. I asked you in general a few moments ago this question: Do you know of your own knowledge of punishments by the use of cold water that have been unnecessarily severe? You answered that you did not. This case of Cahoon in particular. Now you say, you think that was not too severe for the offence committed?

Mr. PRESCOTT. Among the first questions asked him last Friday, was about a boy being confined in the sweat-box who was taken out after being there three hours, and his hair and clothing were completely saturated with perspiration. Now, it seems to me to be of very little moment what the witness upon the stand may think in regard to the punishment, whether it was judicious or not. If the punishments and the nature of the punishments are submitted to this Committee, it seems to me we are the proper judges whether these punishments are unnecessarily severe, brutal, and inhuman, or not.

The CHAIRMAN. I believe you spent about an hour last Friday asking this witness questions on this very point. I thought perhaps I could draw out something conclusive in about ten minutes.

Mr. PRESCOTT. I beg your pardon, Mr. Chairman, I think I did, or at any rate I intended to, confine my questions immediately to the matter of punishments, whether he considered them severe or not.

Q. (By the CHAIRMAN.) Well, I have now asked you about punishments by flogging and punishments by the use of water. I remember you stated that you thought the punishments by the box were sometimes too severe. You stated that last Friday, did you not?

A. I did.

Q. To what particular case did you refer,—what was the name of the boy?

A. Redding.

Q. Who put that boy in the box?

A. I did.

Q. That is the case of severe punishment which you refer to, and you put the boy in the box?

A. That is so; I did.

Q. You put him there at your own discretion, for an offence which the boy committed?

A. No, sir.

Q. Who told you to put him in the box?

A. The instructor in the sewing-room.

Q. What was the instructor's name?

A. It was a lady.

Q. Did you take orders from the lady instructor in the sewing-room?

A. I did.

Q. Did you consider her your superior officer?

A. I did not.

Q. Should you, if you thought it unadvisable, obey one of the lady instructors?

A. I should not.

Q. Then, in this case, you put the boy in the box by her advice, because you thought it was proper?

A. I did.

Q. Who took the boy out of the box?

A. I did.

Q. Had any one told you to take the boy out of the box?

A. No, sir.

Q. You kept him there at your discretion, did you not?

A. I did.

Q. Then, if that boy received too severe punishment, you were the cause of it, were you?

A. I was.

Q. How long was that boy in the box?

A. About three hours.

Q. Put in at what time?

A. During the forenoon.

Q. And taken out when?

A. Before twelve o'clock.

Q. Then this case of too severe punishment by the use of the box was a case which you inflicted yourself?

A. It was.

Q. Of your own knowledge, do you know of any other case by the use of the box that was too severe?

A. I do not recollect any at present. I think, sir, many cases in which boys were placed in the box in the morning, and confined all day, in the hot weather of the summer, were too severe.

Q. Did you report to the superintendent, or to any one else, that you thought you had punished that boy Redding too severely at the time?

A. I did not.

Q. Did you consider, at that time, you had punished him too severely?

A. I did not.

Q. Do you think so now?

A. I do.

Q. How long since you changed your mind about the boy Redding?

A. Shortly after the offence.

Q. When was the offence?

A. During last summer; I cannot state the day.

Q. How long after the offence did you, on reflection, consider you had punished him too hard?

A. I cannot state.

Q. State as near as you can?

A. Well, perhaps three weeks.

Q. About three weeks after, you thought you had punished the boy Redding too hard. Have you thought so ever since?

A. I have thought so.

Q. What do you mean, then, in stating, in answer to the direct ques-

tion I put to you—"Did you ever consider a punishment by the box unnecessarily severe?"—"I think not."

A. I probably was confused, as I am now somewhat.

Q. Which way, then, is this Committee to understand you to testify? Do you think that case was severe, or that the case was too severe?

A. It was severe.

Q. Too severe?

A. I think so.

Q. But you were the cause of it?

A. I was.

Q. No one else was responsible for it but yourself?

A. No, sir.

Q. There was not?

A. There was not.

Q. But you did not report it?

A. I did not report it.

The CHAIRMAN. I have no further questions to ask this witness at present.

Mr. PRESCOTT. I had not finished my examination the other day, Mr. Chairman.

The CHAIRMAN. You may go on, Mr. Prescott.

Q. (By Mr. PRESCOTT.) In regard to that sweat-box, Mr. Phillips, are there any boards sometimes used to make that box smaller than it can be made naturally?

A. Sometimes, sir, boards are placed on the inside of it.

Q. Are they there ready for use?

A. Yes, sir.

Q. The size of the box can be made, without the use of these boards, 16½ inches wide?

A. I cannot state anything in regard to the dimensions of it.

Q. Have you known any case where these boards were used?

A. I have.

Q. These extra boards?

A. I have seen the boards in the box.

Q. What, sir?

A. I have seen the boards in the box when a boy was taken out.

Q. What were they used for?

A. To make the box smaller.

Q. To make the box smaller than 16½ inches?

The CHAIRMAN. Let him answer that distinctly.

Mr. PRESCOTT. I merely had reference to Dr. Harvey's testimony, that I took down, particularly, in writing at the previous examination. Dr. Harvey's testimony was that the box was 21 inches in width, and by being compressed, it could be made 16½ inches.

The CHAIRMAN. But it could not be made less than that?

Mr. PRESCOTT. Not without extra boards being used.

Q. (By Mr. PRESCOTT.) Do you know of any boy being confined there when the extra boards were used?

A. I do; Lombey.

Q. Who was it?

A. A boy by the name of Lombey.

Q. Is he a small boy?

A. He is a boy who would weigh perhaps 130 pounds.

Q. Well, is he narrow-chested or broad-chested?

A. Broad.

Q. Should you not judge, if that boy was put in there with these extra boards, that he was squeezed in there pretty tight?

A. I should say he was.

Q. Could he move his hands?

A. His hands, but probably not his arms.

Q. Have you ever known any case where boys have been put in there with their hands or arms strapped?

A. I did not know of it.

Q. Did you ever use a strap for that purpose?

A. I did not.

Q. Did you ever hear of a strap being used in that way?

A. I have.

Q. What have you heard about it?

A. I have heard that Mr. Cummings strapped a boy with his hands behind him in the box; and also that Mr. Chase did the same.

Q. You testified at the last hearing, Mr. Phillips, that Mr. Chase told you that the superintendent punished the boy Fitz-Gibbons, and then called Mr. Chase, who took the boy and punished him until he was tired; he rested, and then he commenced again, and the boy fainted during the second punishment. Under what circumstances did Mr. Chase make that statement to you?

A. We were sitting in the office, writing and talking, and he made that statement.

Q. How came the matter to be brought up; what led to his making any such statement as that?

A. We were talking about punishments.

Q. Did he speak of this in a sort of braggadocia way?

A. Not precisely; I think he was simply relating things as they occurred.

Q. He did not seem to speak of it in a manner as if he was sorry for it, did he?

A. Not at all.

Q. You stated that in the matter of your punishing the boys, you considered that you were carrying out your instructions in the matter of discipline in the institution. What did you think about that?

A. I have heard the superintendent say, that we should always conquer the boy—any boy. He did not say what means we should use.

Q. You speak of one boy being punished by a tug there; is that implement often used as a mode of punishment or as a weapon?

A. I think it is.

Q. Did you ever use a round tug there?

A. I never did.

Q. What do you think it is; one like this? [Showing the witness a piece of trace, or tug.]

A. Something like that, it may have been longer in some instances.

Q. Do the officers always carry this in their pockets?

A. Some of them do.

Q. Well, this is the tug, I believe, with which the boy Hector was punished; I wish you would look at that, and see if you think any of the officers carry around a weapon of that kind, as thick and as heavy as that?

A. Yes, sir.

Q. Who have you known to carry a weapon like that?

A. Mr. Wheatley.

Q. Who?

A. Mr. Wheatley.

Q. Anybody else?

A. Mr. Phillips.

Q. Who?

A. Myself.

Q. Anybody else?

A. Mr. Wood.

Q. Mr. Wood; anybody else?

A. Mr. Bigelow, I think; no others that I recollect.

Q. Well, that is different from the common strap, is it?

MR. PRESCOTT. I would ask, Mr. Chairman, if the other strap is here that was presented to the Committee?

COL. SHEPARD. I carried it home the other night.

MR. PRESCOTT. I would ask, Mr. Chairman, that these things that have been put in here as evidence may remain here until this hearing is closed.

Q. (By MR. PRESCOTT.) Did you see the other strap that we had here before us?

A. I did.

Q. Do you mean to say that they sometimes use an extra heavy strap like this?

A. They do.

Q. Do they carry it about their persons?

A. They do.

Q. (By the CHAIRMAN.) You do not mean a strap such as we had here last week?

A. It is the kind of a strap that Mr. Prescott now shows me.

Q. (By MR. PRESCOTT.) Whenever you used the strap upon a boy, or confined him in the sweat-box, or punished him in any way by corporal punishment, were you required to report or record this punishment?

A. I was not.

Q. Were you never asked to do it?

A. I was not.

Q. Did you ever understand that it was a part of your duty?

A. I never did.

Q. Did you ever see anything in the rules requiring you to do it?

A. No, sir.

Q. I understand you, Mr. Phillips, that the punishments you inflicted you were not compelled to record or report?

A. I was not.

Q. Were you an exception to the other officers in that respect?

A. I think not; I think the teachers were required to keep a record.

Q. The teachers were required to keep a record. Were the teachers required to keep a record of the boys they put in the sweat-box?

A. I think not.

Q. Well, were not the officers, when they punished boys, required to report it?

A. It was very seldom that any case was reported.

Q. We have reports of the punishments by Mr. Hinckley, Mr. Wheatley, Mr. Morse, Mr. Armitage, Mr. Cummings, Mr. Brown, Mr. Hayes and Mr. Bigelow. These are both teachers and officers, are they not?

A. They are.

Q. Do you understand that other teachers and officers were obliged to report punishments by confinement in the sweat-box?

A. I do not.

Q. Did you ever see any record?

A. No, sir, I did not.

Q. I mean, did you ever see any record of punishments in the sweat-box?

A. I did not.

Q. Did you ever see any records of punishments made out upon these blanks?

A. I have seen one or two.

Q. Did you not see some of them while you were in the institution several months?

A. Never, until I had been connected with the school six months.

Q. Never heard of it?

A. Never heard of it, with the exception of those kept in the great book.

Q. What were those?

A. Simply a statement that such a boy was confined in the lodge.

Q. Do they also report that they were confined in the sweat-box?

A. They do not.

Q. Mr. Phillips, you mentioned the fact that the boys Sullivan, Cahoon, Crowley and Lombey had been punished by having water played upon them by the hose,—do you recollect any others?

A. I do not recall any others.

Q. I would like to ask you something more about the punishment of the boy Sullivan by officer Wheatley. When was it, and where?

A. It was in the school-room and in the entry-way; I do not know what the offence was. Mr. Wheatley was punishing the boy about the head and shoulders and body.

Q. How many blows should you judge?

A. Fifty or sixty; I cannot state positively.

Q. Did it mark the boy's face and head any ?

A. I think it did.

Q. What was done with the boy afterwards ?

A. He was put in a strait-jacket and placed in the dormitory ?

Q. How long was he kept in the strait-jacket ?

A. Sixteen or seventeen hours.

Q. How do I understand you boys are fed when they are put in the sweat-box ?

A. They are fed in the morning before they are placed in the box, and again in the afternoon or evening. They are fed on bread and water.

Q. Given no dinner ?

A. No dinner.

Q. Did you ever know of the punishment of a boy there by the name of John Danihy ?

A. He has been punished, but I do not recollect any circumstances connected with it.

Q. Do you remember of a boy named Kenny being punished there ?

A. He has been punished, but I do not recollect any of the circumstances.

Q. You do not know anything about these matters ? When these officers used this extra heavy trace, which is about double the thickness of the strap first shown to the Committee, did they get authority from the superintendent or trustees to use that extra heavy weapon ?

A. I cannot tell you, sir.

Q. Do you think they did ? You say you used one once ?

A. I have used one in self-defence only.

Q. (By the CHAIRMAN.) In what did you say ?

A. In self-defence.

Q. (By Mr. PRESCOTT.) Did these officers have any authority from the trustees to use this extra heavy weapon ?

A. I know of nothing in the by-laws that mentions it.

Mr. PRESCOTT. I do not think of anything further.

Mr. LOWE. I have a few questions to ask, Mr. Chairman.

The CHAIRMAN. Dr. Lowe will ask you a few questions.

Q. (By Mr. LOWE.) You spoke on Friday of a boy being confined in the box and left there until eleven o'clock at night, was it not ?

A. It was.

Q. How happened you to find him ?

A. I happened to be up there.

Q. Was a boy who was found vomiting in the box released from it and put back again ?

A. I cannot state positively, from the fact that there are many that are troubled with vomiting when placed in the box. Sometimes they clean up, and then are placed in the box again, and sometimes they are taken out ?

Q. Do you know of the boy Lombey complaining of extra pressure, which came from the extra boards put in ?

A. I think nearly all the boys speak of the force.

Q. Well, have you any reason to suppose that he was pressed by this arrangement more than any one else put in?

A. I do not recollect of anything.

Q. Is there any record kept, in any way, of confinements in the sweat-box? Is there any verbal statement made?

A. Not so far as I know.

Q. (By the CHAIRMAN.) Mr. Phillips, did you ever know a boy kept in the box after he had expressed penitence and conformed to the rules?

A. I did not.

Q. What did you say?

A. I did not.

Q. You never knew of a boy kept there after he had expressed penitence and willingness to conform to the rules?

A. I have not.

Q. You told me, a few moments ago, that within the last six weeks your views had changed with reference to the punishments of the institution?

A. Yes, sir.

Q. With whom have you conversed during the last six weeks upon the punishments of the institution?

A. My immediate friends and family.

Q. Any one besides them? Any one connected with the institution?

A. I think not.

Q. Any one that has been connected with the institution?

A. Yes, sir; Mr. Hinckley.

Q. Who?

A. Mr. Hinckley.

Q. Who else have you conversed with about the institution?

A. I do not know, personally.

Q. Any member of this Committee?

A. Not that I am aware of. I do not recollect any.

Q. Any member of the Legislature?

A. I may have made some remarks to some member.

Q. Well, state to whom, if you have?

A. If I have, it was to Mr. Hartshorn.

Q. You think you have conversed with Mr. Hinckley and Mr. Hartshorn?

A. Yes, sir.

Q. Any one else that was familiar with the institution?

A. I do not recollect now.

Q. (By Mr. TRAIN.) You spoke of a boy being placed in the box and kept there until eleven o'clock at night. What night was that?

A. That was the night of the riot.

Q. Do you mean to state that as one of the cruel cases of punishment in the institution, or as an oversight following naturally from a night of such excitement as prevailed at that time?

A. It was probably an oversight.

Q. You do not state that as an intended act of cruelty?

A. I do not.

Q. (By Mr. DAVIS.) You state here about boys being confined in that sweat-box until they vomited. You say they are taken out, and when they get over it, they are put back into it, are they? Is that the way you mean it?

A. Precisely.

Q. How many cases have you known of that kind?

A. I cannot tell you.

Q. Well, have you known fifty?

A. I think not.

Q. Have you known twenty-five?

A. I have not.

Q. Well, tell somewhere near. Have you known ten, according to your best judgment?

A. I think there has been as many.

Q. Now, how is that? You stated when the boys were ready to mind and become obedient they were released. Did you state that?

A. I did.

Q. Well, were they inquired of whether they were penitent and ready to obey always?

A. I cannot tell you.

Q. Is that your experience?

A. My experience is, that if a boy asked to come out, I always took him out.

Q. Have you ever said anything to him and asked him to mind?

A. I have.

Q. You do not know what the custom is? How sick have you known boys to become there by being confined, Mr. Phillips?

A. Sick enough to vomit.

Q. Well, of course you have your judgment as to the cause of it. Is it because the atmosphere is so close in there, or because they are under such a system of torture?

A. Well, perhaps both.

Mr. DAVIS. I do not think I will ask any more questions.

Mr. HYDE. I will ask you only a few questions.

Q. (By Mr. HYDE.) Mention any other boy that ever vomited in the box except Lombey?

A. I do not recollect any at present.

Q. You cannot recall any other? What was the cause of the Lombey boy's vomiting?

A. I cannot tell you.

Q. Was he not proverbial for overeating and having that result?

A. He was a very hearty eater, but as far as the other part is concerned I cannot state.

Q. Did you ever know any such results following his hearty eating at any other time?

A. Please ask the question once more.

Q. Did you ever know any such result to follow his hearty eating, except at the time he was in the box?

A. I do not think I ever did.

Q. Did you ever hear of it?

A. I think not.

Q. Now, this boy that you put in there and kept three hours, and when he came out he was sweating?

A. He was.

Q. Did you ever know of any other instances?

A. There have been many others.

Q. Well, did you ever know of any other?

A. I have.

Q. What?

A. I cannot recall them now.

Q. Well, what is your judgment about swearing up there? Do you approve of it?

A. Most certainly not.

Q. Did you ever do any swearing there?

A. I do not think I did.

Q. Did you not one time, after you had conducted prayer, say in substance—perhaps not the exact words, but in substance—"Damn them, the more you pray for them the worse they act"?

A. No, sir; I positively deny it.

Q. Anything of the kind?

A. No, sir; I positively deny it.

Q. And in another instance, "God damn them, you would give twenty dollars for four of those boys, and you would take it out of their hides"?

A. No, sir; I do not think I used any such language.

Q. And did not Mr. Armitage speak to you about using such language at the time?

A. No, sir; nothing of the kind.

Q. Now, you do not like officer Wheatley, do you?

A. Not, perhaps, as well as I might.

Q. Well, you rather dislike him, do you not?

A. Yes, sir; if you like to have it so.

Q. Well, I only want the fact just as it is?

A. I think he is an officer that does not attend to his duties as he should.

Q. Well, you and Mr. Wheatley did not get along very well together?

A. Not as well as we should.

Q. What were your duties up there?

A. Assistant superintendent.

Q. What were your duties as assistant superintendent?

A. To look after the discipline and attend to the general wants of the institution.

Q. Were there no by-laws or rules defining what your duties there were?

A. There were.

Q. Did you ever have a copy of them?

A. I did.

Q. See if this is a copy of them? [Handing the witness a copy of the by-laws of institution.]

A. Yes, sir.

Q. Will you read the first two sections?

A. Yes, sir. [Reads.]

SECT. 1. The duties of the superintendent shall devolve upon the assistant superintendent for the time being, in case of the absence, illness, or death of the superintendent.

SECT. 2. It shall be his duty to aid in the discipline and general management of the institution, and to report to the superintendent all instances of impropriety of conduct, neglect of duty, or violation of the by-laws and regulations which may come to his knowledge, and he shall attend personally to the necessary bathing and clothing of the boys, and he shall be at the office at an early hour of the morning and remain there, unless called away by other duties, until the boys are sent to bed at night.

Mr. PHILLIPS. Shall I read the third section?

Mr. HYDE. Yes, if you wish.

Mr. PHILLIPS [reading] :—

SECT. 3. He shall keep the books containing the financial accounts of the institution, and others, in which shall be recorded the admissions, discharges and histories of the boys, and shall be responsible for their accuracy and neatness. He shall also keep full and accurate files of all bills of expenses, paid and unpaid; carefully examine and certify to the correctness of the bills, when not certified to by the superintendent; and be able to state the indebtedness or expenses of the institution whenever called upon to do so. At the close of each financial year, he shall furnish to the treasurer a specific statement of all the expenses of the institution during the year; and, under the direction of the superintendent, furnish a full schedule of tools, furniture, bedding, cattle, horses, carriages, and of all movable property belonging to the institution. He shall also make out indentures, and do such other necessary writing as is not especially assigned by these by-laws.

Q. (By Mr. HYDE.) Did you have a copy of these before you commenced your duties?

A. I did.

Q. Now, the by-laws say you shall report all the instances of improper conduct. Should you consider it improper conduct for a person to punish a boy more severely than he ought to?

A. I should.

Q. Then it was your duty to report such cases, if you knew of them?

A. It was.

Q. Did you ever report any to the superintendent or to the trustees?

A. I think not. I do not recollect of any.

Q. Now, you have stated that you used a tug once?

A. Yes, sir.

Q. What were the circumstances of that?

A. I was going to whip a boy with a light strap, and the boy attempted to strike me. I spoke with him a moment, and he appeared to repent. I told him to hold out his hand, and he would not; he attempted to choke me, then I struck him.

Q. What with?

A. My hand. Then I took my heavy strap and struck him across the shoulders.

Q. How did you happen to have that strap?

A. I had it with me.

Q. Did you carry it all the time?

A. No, sir.

Q. How did you happen to have it?

A. I cannot tell you.

Q. Did you ever carry it at any other time? How much did you ever carry it?

A. I have carried it when there seemed to be a desire among the boys for mischief.

Q. Where did you get your heavy strap, as you call it? Was it a piece of a tug?

A. It was.

Q. Where did you get it?

A. In the storeroom.

Q. How much did you carry it there?

A. I cannot state; perhaps, altogether, I may have carried it a month.

Q. Now, did you ever carry it when you did not deem it was necessary?

A. Yes, sir; I think I have.

Q. Well, why did you carry it when you did not deem it was necessary?

A. Because it might be necessary.

Q. I say when you did not deem it necessary to carry it, not when you did not deem it necessary to use it. Did you ever carry it when you did not think it necessary to carry it?

A. Well, it was against the rules of the institution to carry pistols, and for that reason I wanted something to protect myself with in case of necessity.

Q. Well, did you ever carry it when you did not deem it necessary to carry it?

A. I did not.

Q. You never did? Then, so far as you carried a tug, you carried it when you thought it was necessary?

A. Yes, sir.

Q. What was your judgment in regard to the general character of the boys there?

A. There were many hard boys, and many disagreeable boys.

Q. Now, do you think it is possible to have that institution carried on without some discipline?

A. I think it is necessary to have discipline.

Q. Absolutely, is it not?

A. Yes, sir.

Q. And at times it is to be severe?

A. I think so.

Q. Take this case where the boy grabbed you by the throat; what

would you recommend in such a case as that? You would not depend on moral persuasion, would you?

A. Not precisely.

Q. What would you recommend? How large a boy was that?

A. Well, perhaps he weighed about 130 pounds.

Q. As stout as you were, perhaps? Many of those boys are very muscular, are they not?

A. Yes, sir.

Q. What would you recommend when a boy grabbed you by the throat?

A. Nothing different from what I did.

Q. You cannot conceive of any change for the benefit of cases like this?

A. I cannot.

Q. Well, are there not many cases requiring immediate action?

A. Yes, sir.

Q. Have not most of the cases you have spoken of here, which have occurred, been cases of that kind?

A. That I cannot say; so far as I am concerned, personally, they have been, all of them.

Q. As you have understood, and as you have heard of other officers, have you not heard that other officers have had similar experience?

A. I do not know their experience.

Q. As you have understood it; that is, the boys did not have any ill-will to assault you when they did not any other officer?

A. No, I am not aware of it.

Q. Well, did they not have a similar experience with you?

A. They may have had the same experience.

Q. Do you not understand they did?

A. Not in all cases.

Q. Well, in many cases?

A. In many.

Q. Now, you state that Cummings and Chase put a boy in the box and strapped his hands behind him. Who told you that?

A. Mr. Chase.

Q. Anybody else?

A. No, sir.

Q. Now, there has been some talk about Cahoon; he was wet down, was he not?

A. He was.

Q. You were acting superintendent that day, were you not?

A. I do not recollect.

Q. The superintendent himself was away that day?

A. I cannot remember; I cannot tell; he may have been away.

Q. You was down there at the time?

A. I was.

Q. The superintendent was not down there?

A. No, sir.

Q. And whatever directions were given, did you not give them in a measure? You were superior officer on the spot?

A. I was.

Q. Now, while that was going on, did you direct that some order should be given? Now, answer that question.

A. Yes, sir, I did.

Q. Who was applying the water?

A. Mr. Hayes, I think.

Q. Now, why did you direct more water to be given him?

A. Because I wished him to state that he had had enough.

Q. Well, how long was the water applied to him?

A. I cannot state positively.

Q. Well, about how long?

A. It may have been twenty minutes.

Q. Well, if there was any improper application of water, you were responsible for it at that time, were you?

A. I was at that time.

Q. What was the hose used?

A. The garden hose, with a quarter-inch stream.

Q. The small garden hose. What was the power applied—anything more than the head of water?

A. I think not.

Q. Now, you say at that time you told him to give him more after he stopped once, did you?

A. I did.

Q. You did not consider that was an injurious application of water? Now, let us see. Did you ever go up and find Lombey in the box when you had any trouble with him?

A. I did.

Q. What was the trouble with him? Tell us about it?

A. I found him in the box, and took him out. I do not know what officer put him in the box. Immediately upon being taken out, he took one of those boards and attempted to strike me on the head with it.

Q. What did you do?

A. I knocked him down.

Q. You knocked him down; well, what else?

A. He got up again with the intention or intended to choke me. I took him by the throat, pushed him up against the partition, took out my strap and struck him across the legs and shoulders, until I thought he had had enough, and stopped.

Q. Well, now, with all the light you have had since—

A. I have not finished, sir. As I was about taking the boy downstairs, I heard the superintendent say, "You have not given him half enough; give him some more, and finish him up this time." So I gave him some more. That is all.

Q. Well, now, with all the light you have had since on that matter, where a boy came at you with a board and tried to strike you over the head, should you regard that conduct as justifiable?

A. I should.

Q. Can you suggest, under the circumstances, of a boy assaulting an officer over the head with a board, any improvement over it?

A. I do not think I can.

Q. Did you hear what boy's hands were strapped behind him in the box?

A. I cannot state positively; I think it was Lombey.

Q. Do you know what it was for?

A. I do not.

Q. Never heard?

A. Never heard.

Q. How long did you say you were there?

A. Something over eight months.

Q. Now, were the boys ever disorderly any time when you had charge of the dining-hall?

A. They were.

Q. To what extent?

A. The whole upper department.

Q. What did you do?

A. Reported it to the superintendent. I spoke to the boys first, and after breakfast it was reported to the superintendent.

Q. Well, what was done about it?

A. We took some action in regard to the matter; I do not remember precisely what it was. I think it was to force the boys to make a statement saying they would not do the same again.

Q. Well, see if they signed this paper? [Showing witness a paper.]

A. I think that is the paper.

Mr. HYDE. This I will read. [Reads.]

WESTBOROUGH, November 18, 1876.

To Mr. PHILLIPS and Mr. BIGELOW.

GENTLEMEN:—We, whose names are annexed, sincerely regret the conduct of the boys of the upper department in the dining-hall; and, as an evidence of our sincerity, we hereby pledge ourselves not to take part, or in any way encourage such disturbance or mean conduct in the future. We therefore respectfully request that you will release us from further punishment.

Q. That was signed by a large number of boys. What was the punishment?

A. I think they were placed on short rations; I am not positive.

Q. Now, who took that paper to the boys to have them sign it, as you understand? Who required of the boys that they should express their regret?

A. Col. Shepard, I think.

Q. Well, now, the time this was being signed, where were you?

A. I cannot state. I think I was in the office.

Q. Were you not having some trouble with the boy Crowley?

A. No, sir.

Q. Did you ever have any trouble with the boy Crowley?

A. I do not recollect. Crowley? Yes. He was in the corridor and threw an article at one of the officers.

Q. Well, what was it called?

A. It was a chamber vessel.

Q. What officer did he throw it at?

A. Mr. Armitage, I think.

Q. What did you do?

A. I started for the stairs to go to the corridor to receive the boy. The officers told me not to go, for he would kill me. I returned and went into the hall, and was arranging some plan of capturing the boy without injury to myself or the officers; the superintendent came along and told us not to have anything to say or do with him. Shortly after, the superintendent came in and directed the officers to leave the hall, and went up to the boy. He came down, I think, and placed him in the lodge.

Q. He went up to the lodge, did he not?

A. He did.

Q. And took the boy to the lodge. Did the boy have anything in his hands at the time?

A. At what time?

Q. At the time Colonel Shepard went up, or after he made his threat.

A. He had something after he made his threat, but I cannot state whether he had it when Colonel Shepard went up.

Q. What did he have in his hand when he made the threat?

A. Another vessel.

Q. With which he was threatening any one who came?

A. He was.

Q. Did he not have one in each hand?

A. He did at one time.

Q. You do not know whether he had anything in his hand at the time Colonel Shepard went up?

A. I saw him lay them down, and I do not think he picked them up again.

Q. Now, when this occurred, Col. Shepard was out in the yard with the boys, because of the trouble you had had in the dining-room?

A. Yes, sir; that is a fact.

Q. And as soon as he got through, he came in, directed the officers to go away, and took care of the boy, did he not?

A. He did.

Q. How long was it from the time this boy came to the corridor until Col. Shepard took him?

A. I cannot tell you.

Q. About how long? Was it quite a while?

A. Well, perhaps 15 or 20 minutes.

Q. What has become of the boy Redding?

A. I think he is in Worcester.

Q. He is in the house of correction, is he not?

A. I think so.

Mr. HYDE. I think, Mr. Chairman, that is all I have to ask Mr. Phillips; you went over so much of the ground there is no occasion for me to repeat it.

Mr. WASHBURN. What was that little pamphlet you submitted to the witness?

Mr. HYDE. A copy of the by-laws. Has it not been put in?

Mr. WASHBURN. I do not care about it.

Mr. HYDE. Perhaps it had better be put in. [A copy of the by-laws was submitted.]

Q. (By Mr. WASHBURN.) What was your answer, Mr. Phillips, with reference to the by-laws? Did you say you had a copy of them?

A. I had a copy of them.

Q. Why did you testify on the 7th of February that you had no opportunity to know what the by-laws provided in answer to the question I put?

A. I did not intend to testify so in regard to the by-laws. I had an opportunity to know what the by-laws were. I do not think I made the statement; I think I made the statement that I had no opportunity that time you wished me to refresh my mind in regard to that; I think the Committee will remember it.

Mr. LOWE. I remember; that was it, Col. Washburn.

Q. (By Mr. WASHBURN.) You had previously had them?

A. I had.

Mr. WASHBURN. I wanted to fortify the significance of your reply on the 7th of February.

The CHAIRMAN. You are excused for the present, Mr. Phillips.

Mr. HYDE. I believe your next summoned witness was Mr. Clark.

The CHAIRMAN. If he is here—

Mr. PRESCOTT. Mr. Chairman, before the investigation proceeds I would like to state that during the past day or two my attention has been called to some two or three boys who have recently left the Westborough Reform School, and who live in the immediate neighborhood of my office. One of those boys, I believe, desires to go into the country within a day or two to work upon a farm. At my request three of those boys are present to-day, and I should like very much to have them called now, because it will be much more convenient to have them testify to-day than at some other time. At my request they came here to-day. I would ask that those boys may be allowed to give their testimony to-day. At least it will be a convenience to them.

Mr. WASHBURN. I think the request is reasonable, Mr. Chairman.

The CHAIRMAN. It is the first the Committee have known of it. If no objection be made to it, Mr. Prescott can call such of the boys as he sees fit.

EDWARD F. O'SHEA—*Sworn.*

Q. (By Mr. PRESCOTT.) How old are you?

A. Twenty-one last November.

Q. When did you leave the Westborough institution?

A. The 10th of last August.

Q. You left there as one of the inmates the 10th of last August; have you been employed upon the new part since?

A. Yes, sir.

Q. How long were you at work?

A. Seven months.

Q. You left that work, when?

A. Fourteenth of February.

Q. Who did you work for?

A. For the superintendent, Mr. Hawthorne.

Q. You worked for one of the contractors for wages, upon the new part?

A. Yes, sir.

Q. How long were you in the institution?

A. About 88 months.

Q. I want to ask you in regard to some of the punishments of the institution. Have you been at any time punished by the superintendent?

A. Yes, sir.

Q. How?

A. Put into the strait-jacket.

Q. Well, describe it.

A. I was put in the strait-jacket and kept in there from morning till night. He put me in about half-past seven or eight o'clock and kept me in there till night-time, and then took me out.

Q. How long— Were you kept there one day?

A. No, sir; I was kept there four days.

Q. Kept in the strait-jacket four days?

A. Yes, sir.

Q. Taken out at night?

A. Yes, sir.

Q. Taken out every night?

A. Yes, sir.

Q. Fed regularly?

A. Yes, sir; bread and water, morning and night.

Q. No dinner?

A. No, sir.

Q. Were you ever punished by the superintendent in any other way?

A. No, sir.

Q. Were you ever punished by Mr. Wheatley?

A. Yes, sir.

Q. In what way?

A. By a kind of strap or trace or tug.

Q. It was a flat trace, like that which you have seen here this morning?

A. Yes, sir.

Q. Was it as thick as that, or one of the ordinary straps?

A. It was as thick as that [witness was shown a trace]; yes, sir.

Q. Were you whipped with a weapon as thick as that?

A. Yes, sir.

Q. How severely were you strapped?

A. Over the hands and back.

Q. Will you describe the nature of the whipping, and what the whipping was for?

A. I was taken to the officers' room and whipped.

Q. You were whipped over the hands?

A. Yes, sir.

- Q. How many places ?
 A. I couldn't tell.
 Q. Over the back ?
 A. Yes, sir.
 Q. Were you marked at all ?
 A. Yes, sir.
 Q. How much ?
 A. There was a kind of blood blister on one side.
 Q. (By Mr. TRAIN.) On one side of the back or one side of the hand ?
 A. One side of the hand.
 Q. (By Mr. PRESCOTT.) Were you blistered so you couldn't sit down ?
 A. Yes, sir.
 Q. How long couldn't you sit down ?
 A. I could sit down on one side, and after the blister broke I could sit down on the other side.
 Q. Ever been confined in the sweat-box ?
 A. No, sir.
 Q. Ever see it ?
 A. Yes, sir.
 Q. How come you to see it up in the attic ?
 A. I was up there with one of the officers.
 Q. Did you see any strap there at the sweat-box ?
 A. No, sir.
 Q. Didn't see any strap ?
 A. No, sir.
 Q. You have been confined in the lodge, have you ?
 A. Yes, sir.
 Q. How long have you been confined there at one time ?
 A. Two or three days.
 Q. What was your food then ?
 A. Bread and water.
 Q. You had all the bread and water you wanted ?
 A. Sometimes we had, and other times we hadn't.
 Q. Is it a comfortable place there ?
 A. Not very comfortable there.
 Q. It is comfortable there in cold weather ?
 A. I wasn't down there in cold weather.
 Q. Do you know about the boy Gartland, who committed suicide there ?
 A. Yes, sir.
 Q. What sort of a looking boy was he ?
 A. He was small, and deformed in the back.
 Q. How deformed ?
 A. He had a hump on his back.
 Q. He was a hunchback boy ?
 A. Yes, sir.

Q. Do you know anything about Gartland's punishment before he committed suicide.

A. No, sir.

Q. Did you hear any outcry from Gartland while he was receiving punishment.

A. No, sir.

Q. You didn't know anything about Gartland's punishment?

A. No, sir.

Q. Do you know anything about the punishment of the boy Watson?

A. Yes, sir.

Q. What do you know about that?

A. It was in the shop after he was whipped. He run in with his face all cut and covered with blood.

Q. Well, will you describe how he looked, and where he came from and where you were?

A. We were all working in the shop.

Q. What shop?

A. The chair-shop. The door was open, and he run in and muttered some threats or something, and said they couldn't hurt him anyway, and he would make them pay for it. He grabbed something off the bench—a knife or something.

Q. Did you understand that he had just been punished?

A. Yes, sir; he looked as if he had been punished; his face was all cut up.

Q. What did he run into the shop for?

A. I couldn't tell, unless to get some of the other boys to help him.

Q. What for?

A. To get satisfaction out of the officers that punished him.

Q. Were you in the lodge when Watson was taken down there afterwards?

A. Yes, sir.

Q. Did you see him down there?

A. Yes, sir.

Q. How did he look?

A. I did not go down.

Q. How did you understand that he had been punished? You say that his face was covered with blood; did he tell you about it afterwards?

A. No, sir; they told us down in the lodge that an officer, named Mr. Bigelow, smashed a chair over him.

Q. Will you tell the Committee all the particulars of the punishment, so far as he told you about it?

A. He said he was brought into the office—brought into Mr. Bigelow's office—which is right opposite the office of Mr. Wheatley. They had some words about parting two boys; I believe the superintendent gave an order that the two boys hadn't ought to go together, and they went together, and I believe Mr. Wheatley didn't know whether he told Mr. Shepard so or not. At any rate, he took Watson in Mr. Bigelow's room; they had some scuffling in there, or something, and while the officer was

whipping him with a strap, Mr. Wheatley came behind and struck the boy with a chair over his head, and then the boy run out into the shop.

Q. After being beaten over the head with a chair, he run into the shop with his face covered with blood, crying for help?

A. No, sir. He did not cry for help.

Q. What did he come in there for?

A. I suppose to get some of the other boys to help him.

Q. What is this Watson; is he a great big—?

A. No, sir. He is a short, stout boy.

Q. How short is he; tall as you are?

A. No, sir, not more than four feet three or four inches.

Q. Four feet and three or four inches. Did you see a boy punished by the name of McGafferty?

A. Yes, sir.

Q. Where was it, and by whom?

A. It was in the entry leading between the two sleeping-rooms.

Q. Who punished him?

A. An officer named Hall.

Q. How did he punish him?

A. He punished him over the hands and over the back.

Q. Marked his head or face at all?

A. No, sir. He said he was all sore after it.

Q. Do you know anything about a boy named Martin being kept in the lodge?

A. Yes, sir; a boy named Martin was there, and he had some trouble with an officer named Hall, because he would not apologize to him, and he stated that he kept him there forty-eight days.

Q. He stated that he kept him there, how long?

A. About forty-eight days.

Q. Do you know anything about a boy named Sailor being punished there?

A. No, sir.

Q. Did you ever hear the superintendent say anything in regard to the Gartland boy?

A. No, sir.

Q. Did you see the boy at all after he was dead?

A. No, sir.

Q. You didn't go to his funeral?

A. No, sir. I was working in the kitchen, and did not have a chance to see him. I was at work in the bakery.

Q. Who were the men who maltreated— The men there, in your judgment, officers or teachers, who maltreated the boys?

A. I don't find any fault with any of the officers, only Mr. Bigelow and Mr. Wheatley.

Q. Did you know Mr. Phillips there?

A. Yes, sir.

Q. What was his reputation among the boys?

A. He always used me well enough.

Q. Did you know any of the outside officers?

A. Yes, sir.

Q. Did you know Mr. Wood?

A. Yes sir. He was there when I was there.

Q. Did you know anything about Mr. Hinckley?

A. Yes, sir.

Q. What was his reputation among the boys?

A. He seemed to be a pretty nice kind of a man.

Q. Was Mr. Hinckley, so far as you know and the boys said, so severe in his punishments as Mr. Wheatley or Mr. Bigelow?

A. I don't know, sir.

Q. (By the CHAIRMAN.) I want to ask you a few questions; you stated that you had been kept in the strait-jacket how long—four days?

A. Yes, sir.

Q. What were you put in the strait-jacket for?

A. I took a pair of pants because they were too wide and sewed them up and made them smaller. I sewed them up in the legs and made them smaller.

Q. Was that the only offence?

A. Yes, sir.

Q. Who put you in the strait-jacket?

A. Mr. Shepard.

Q. The superintendent?

A. Yes, sir.

Q. Did Mr. Shepard tell you at any time that if you behaved yourself, or would do better, you need not go into the strait-jacket?

A. No, sir.

Q. Or that you would be taken out?

A. No, sir. But after I had been in three days, I asked him to let me out, and he said he would; and the next day he let me out, and told me not to get into such trouble any more.

Q. And the only trouble was sewing up a pair of pants?

A. I took the pair of pants. I got them in the bathing-room and brought them in.

Q. Were they your pants?

A. No, sir; they were some pants that were left in the bathing-room.

Q. You took a pair of pants that belonged to another boy?

A. No, sir; they didn't belong to any one. They were hanging in the bathing-room.

Q. You spoke of being strapped severely at one time?

A. Yes, sir.

Q. What was your offence then?

A. There was whispering and buzzing around in the school, and the officers blamed me for it,—said I done it.

Q. You had been whispering and making some disturbance?

A. No, sir; there was whispering, and I was blamed for it.

Q. The officer punished you, supposing you were the one?

A. Yes, sir.

Q. That was the only time you were ever in the strait-jacket, the time you spoke of?

- A. No, sir.
- Q. You have been in the strait-jacket before ?
- A. No, sir ; I was in after that.
- Q. What were you in the strait-jacket for afterwards ?
- A. For whispering in school ?
- Q. Were you ever punished by the strap after the time you spoke of ?
- A. No, sir.
- Q. Ever before ?
- A. No, sir.
- Q. Ever in the lodge after the time you spoke of ?
- A. Yes, sir.
- Q. What were you in the lodge for afterwards ?
- A. Hitting a boy.
- Q. When do you say you left the institution ?
- A. The tenth day of August.
- Q. Were you twenty-one years of age when you left ?
- A. No, sir.
- Q. Had your time expired ?
- A. No, sir ; the superintendent let me go ?
- Q. (By Mr. PRESCOTT.) When you were in the institution then, didn't your parents come up to see you ?
- A. Yes, sir.
- Q. Who, your father and mother ?
- A. My father came up.
- Q. Didn't you have full opportunity to converse with him ?
- A. Yes, sir. When I was talking with him, I had to talk with the officer near me.
- Q. Are not boys allowed to talk with their parents alone, when they come to see them ?
- A. No, sir.
- Q. What are the regulations in regard to that ?
- A. You have got to speak in a tone so that the officer can hear what you say.
- Q. Is an officer always present when parents or friends come to see you ?
- A. Yes, sir.
- Q. When you speak in a low tone of voice, are you told by the officer to speak louder ?
- A. I was never told so.
- Q. Are you expected to speak loud, so that the officer can hear you ?
- A. Yes, sir.
- Q. You are not allowed to tell your parents about the institution ?
- A. No, sir.
- Q. How do you know that ?
- A. You might tell them good things about the institution ; but if you wrote in letters anything bad about it, I don't suppose they would go.
- Q. When your friends and parents come there, you tell them about the institution, all you want to, bad or otherwise ?
- A. Not without an officer hearing you.

Q. (By the CHAIRMAN.) You knew the trustees of the institution, did n't you?

A. Yes, sir.

Q. When you saw them, you knew them?

A. Yes, sir.

Q. When they came, did you frequently see them?

A. Yes, sir.

Q. Did you ever make complaint to the trustees, in regard to your treatment in the institution?

A. No, sir.

Q. Ever make complaint to the superintendent?

A. No, sir.

Q. You knew you could complain to the trustees or superintendent?

A. Yes, sir.

Q. If you had felt that you were badly treated, would n't you have complained to the trustees?

A. Yes, sir.

Q. (By Mr. DAVIS.) You stated that the reason why you were put in the strait-jacket was because you took a pair of pants from the wash-room, and, they being too large, you sewed them up, and you were put in the strait-jacket for it; was that the statement?

A. Yes, sir.

Q. Did you consider that you had a right to take those pants?

A. Yes, sir; so long as they were— I had no right to take them, but I took them.

Q. But what I want to get at is, whether you considered it a case of larceny, when you took them?

A. No, sir.

Q. You did not?

A. No, sir.

Q. Why not.

A. Because they were hanging there and no one had use for them, and I took them.

Q. You supposed it was all right?

A. Yes sir.

Q. Well, he reminded you that it was not right; who first discovered this?

A. The man who takes charge of the bathing-house.

Q. What did he say?

A. He reported it to the superintendent.

Q. What next?

A. I was put in the strait-jacket.

Q. Did the superintendent talk with you before he put you into the strait-jacket?

A. Yes, sir.

Q. What did he say?

A. He told me I had no right to take the pants and destroy property and cut them up.

Q. What did you say then?

A. I said nothing.

Q. You were put into the strait-jacket?

A. Yes, sir.

Q. When you were whipped for whispering in the school, do you say you whispered?

A. No, sir.

Q. They suspected you of whispering?

A. Yes, sir.

Q. Did you explain to them that you didn't whisper?

A. I told them that it was not I that was whispering.

Q. And what did they say?

A. They said it was around me somewhere, and wanted to know who it was.

Q. And you told them you didn't know?

A. Yes, sir.

Q. Didn't you know?

A. No, sir; I did not know.

Q. Didn't you whisper?

A. No, sir; I did not whisper.

Q. Who did you tell this to?

A. To officer Wheatley?

Q. What did he say?

A. He said if I didn't know, I would have to stand the punishment for it.

Q. That is what he told you?

A. Yes, sir.

Q. And then he punished you?

A. Yes, sir.

Q. And how did he do it—let us understand about that?

A. He brought me down in his room and took a strap out of a bureau and whipped me on the hand and then on the back.

Q. Was it on the bare back?

A. No, sir.

Q. Whipped you with your clothes on?

A. Yes, sir.

Q. (By the CHAIRMAN.) If you had obeyed the rules of the institution, and done as well as you knew how, do you think you would have been punished in that institution?

A. No, sir.

Q. (By Mr. PRESCOTT.) Do you think the officers, generally, or any number of the officers, punished very harshly and severely at times?

A. Yes, sir.

Q. (By Mr. HYDE.) What were you sent there, to the institution, for?

A. Larceny.

Q. In Boston?

A. Yes, sir.

Q. Have you a father living?

A. Yes, sir.

Q. Mother living?

A. No, sir.

Q. Had you at the time you were sent there?

A. No, sir.

Q. Had you ever been sent anywhere else before being sent to the institution?

A. Yes, sir.

Q. Where?

A. Deer Island.

Q. For what?

A. Not going to school.

Q. How long were you there?

A. Eighteen months.

Q. And then lately sent to Westborough for larceny?

A. Yes, sir.

Q. How old were you when sent to Deer Island?

A. Fifteen.

Q. And were there eighteen months. How long after you left Deer Island was it before you were sent to the Westborough Reform School?

A. About five months.

Q. And what larceny were you sent there for?

A. I was in a crowd that went through a block and took all the lead-pipe out of it.

Q. That is what you were sent to the school for?

A. Yes, sir.

Q. How many houses did you take lead-pipe out of?

A. A whole block.

Q. Where?

A. In South Boston.

Q. How many were there?

A. Five of us.

Q. You owned up after you were arrested?

A. No, sir.

Q. Did you deny it?

A. No, sir.

Q. It was true, was it?

A. Yes, sir.

Q. You were sent up there during your minority?

A. Yes, sir.

Q. So, when you were up there, you had a little trouble about appropriating things?

A. Yes, sir.

Q. Can you remember anything you appropriated up there except the pants?

A. No, sir.

Q. How about some shoes down at the boathouse one day?

A. I took a pair of shoes.

Q. Whose shoes were those?

A. No one's, as I know of.

Q. What did you do with them?

A. Gave them to a boy.

Q. A boy in the school?

A. Yes, sir.

Q. You had shoes of your own?

A. Yes, sir.

Q. How did this thing happen to come to light about those shoes at the boathouse?

A. I don't know; some one told on me.

Q. Who called your attention to it?

A. Col. Shepard.

Q. What did he do?

A. I was out in the yard and went back into the institution.

Q. Were there any other cases up there that you can remember of a similar character besides the pants and shoes?

A. No, sir.

Q. Wasn't there a pedler who came along one time?

A. Yes, sir.

Q. Wasn't there a little question about his missing something?

A. No, sir.

Q. Out near the stable?

A. No, sir.

Q. Weren't you ever questioned about something being taken from the pedler's cart?

A. No, sir; it was another boy.

Q. What was his name?

A. Waters.

Q. Are there any other cases up there of anything being missed through you?

A. Unless it was milk, which I used to drink.

Q. How about the milk; what was it about that?

A. Once and a while I used to get a chance to get a drink of milk, and I used to take it.

Q. Did you ever get found out?

A. I never got found out until a boy that was at work with me got found out, and then he told on me.

Q. What happened to you after taking the milk?

A. They all came up at the time I was up for the shoes. They all came in together, and Mr. Shepard put me in the yard for it.

Q. Well, now, was there any other trouble up there during those two or three years while you were there; you got the shoes and the pants and the milk?

A. No, sir; not as I remember.

Q. Will you think a moment; think real hard. Weren't there ever any questions raised in regard to anything disappearing that you came around in the neighborhood of?

A. No, sir, not as I know of.

Q. You went to work upon the enlargement; how old are you now?

A. Twenty-one years old,

Q. Are you 21 ?

A. I was 21 the twenty-sixth day of last November.

Q. When you were at work on the enlargement, after you were out, you went down to the village, didn't you ?

A. Yes, sir.

Q. Wasn't there some question about something disappearing ?

A. No, sir.

Q. Didn't Col. Shepard ever go to the houses and look for something ?

A. Yes, sir.

Q. Didn't he find something ?

A. Yes, sir ; but nothing that belonged to me.

Q. Wasn't it something that somebody at Westborough claimed ?

A. Yes, sir.

Q. What was it ?

A. A pair of stockings.

Q. And a handkerchief ?

A. Yes, sir.

Q. Who claimed those up at Westborough ?

A. I don't know.

Q. Was not Mr. Armitage the man who claimed the handkerchief ?

A. Yes, sir.

Q. How did the handkerchief come over to that house ?

A. I don't know how it got there. There was a fellow who used to board with me at one time, named Ferris, and he came out of school ; and at Thanksgiving I got a new coat and pants and vest, and wore them on Sunday, and on Monday my suit of clothes was minus. I told Mr. Shepard about it, and the boy said he bought the coat of me.

Q. Now, in regard to the handkerchief, where did they find it ?

A. In my room, where I boarded in Westborough.

Q. How do you suppose it got into your room ?

A. I don't know ; I didn't put it there.

Q. Whereabouts in your room was it found ?

A. On the table.

Q. Ever had any theory as to how it got there ?

A. No, sir.

Q. About the stockings ; how did those get there, do you suppose ?

A. I don't know.

Q. It was funny how the handkerchief and the stockings got there, was it not ?

A. Yes, sir.

Q. Now, as a whole, you didn't get very bad treatment up there, did you ?

A. No, sir ; not very bad.

Q. Do you think it has done you good ?

A. Yes, sir ; it has done me some good.

• Q. It has done you some good ?

A. Yes, sir.

Q. You think you will be a better man for it ?

A. Yes, sir.

Q. You hope so?

A. Yes, sir.

Q. And if you passed by blocks of empty buildings, there would not be so much lead-pipe missing?

A. Yes, sir.

Mr. HYDE. I hope so.

Q. (By the CHAIRMAN.) Who asked you to come up here?

A. Mr. Prescott.

EDWARD BURNS—*Sworn.*

Q. (By Mr. PRESCOTT.) How old are you, Mr. Burns?

A. Eighteen.

Q. When did you leave Westborough?

A. About a year ago.

Q. How long were you there?

A. Some eight years, in all.

Q. Were you there continuously eight years?

A. No, sir.

Q. Under what circumstances were you there, and when you went back there?

A. I was sent there first for not going to school, and kept there five or six years for not going to school. Then, when I came home, I got into some more trouble in Boston, and was sent back.

Q. Were you sent back, or did you run away?

A. I was sent back.

Q. When you were taken back, what was done with you?

A. Nothing was done then; and I ran away after this, and when I came back again they kept me in the lodge three weeks.

Q. How often were you fed?

A. Only twice a day; sometimes only once.

Q. How much bread did you have?

A. One slice of bread each time.

Q. Nothing else to eat?

A. No, sir.

Q. Were you ever punished there by the superintendent?

A. Yes, sir.

Q. When?

A. One night, the boys were asked if they had rather go into the new yard or go down swimming, and most of them wanted to go down swimming, and he said some of the boys could not go down swimming, because they had been making a noise; and he said it was me, and I was called out of bed, where I had on my night-dress, and he licked me as long as he could stand over me.

Q. You were whipped with your night-clothes on?

A. Nothing but a thin shirt.

Q. And with what?

A. A round trace.

Q. Similar to a buggy harness trace?

A. Yes, sir.

Q How big round was it?

A As big round as my two fingers, almost.

Q How much were you punished that night?

A I was punished as long as he could whip me, and I refused to say that I did it; and in the morning he licked me till I told him I did it.

Q Did you do it?

A No, sir; I didn't do it.

Q He whipped you at night and the next morning?

A Yes, sir.

Q Leave any marks?

A Yes, sir; black and blue marks all over me.

Q How long did you feel the effects of the whipping?

A As much as a week.

Q Did he strike you over the head at all?

A Yes, sir.

Q Where did it occur?

A In the little entry, as you go down by the watchman's entry.

Q Have you ever been confined in the solitary there?

A Yes, sir; I was in the dungeon a week.

Q This is different from the lodge, is it?

A Yes, sir.

Q Is it dark, as well?

A Yes, sir.

Q Fed on bread and water?

A Yes, sir.

Q Did you know this boy, Gartland, that was there?

A Yes, sir.

Q Was he, as the other boy describes, a hunchback boy?

A His back was broken. He fell down-stairs and broke his back.

Q Do you know anything about the boy's punishment?

A All I know was one night we heard him hollering very loud.

Q How soon was this before he committed suicide?

A I think it was two or three days before. It was the same week.

He committed suicide on Saturday, and I think he was licked on Monday.

Q Who whipped the boy?

A Mr. Rice, the teacher of the third school.

Q Where was he whipped?

A In the entry; what is called the fourth school entry.

Q How near the place were you at the time?

A I was on the next flight above it; the stairs going right up where I was.

Q Could you hear the blows?

A No, sir; but I could hear him holler.

Q Was the Gartland boy very sensitive in regard to punishment?

A Yes, sir.

Q How do you know that?

A They say there was black scars and several holes where the flesh had been taken off the bone.

Q. You don't know whether this boy was punished on the hands or the limbs?

A. No, sir.

Q. How long a time did you hear him hallooing?

A. As much as five minutes.

Q. This was on the day before he committed suicide, you think?

A. Yes, sir.

Q. And did you hear Colonel Shepard make any remarks in regard to this boy's crime?

A. No, sir.

Q. Did you know whether the boy was threatened with another punishment the next day?

A. Only what I heard them say in there.

Q. What did you hear there?

A. I have heard say that Mr. Shepard said when Mr. Rice got through he would take him in hand.

Q. Who did you hear say that?

A. I heard one of the boys say that—I think it was John Jones—one of the boys in the lodge with me.

Q. John Jones?

A. Yes, sir.

Q. He told you that Colonel Shepard said that when Mr. Rice was done with him he would take him in hand?

A. Yes, sir.

Q. Do you remember the boy Watson?

A. Yes, sir.

Q. How large was the Watson boy?

A. He stood up with my shoulder.

Q. About the Gartland boy—what did he punish him for?

A. I believe something about an example in the school, which he couldn't do; and when the officer told him to try, and he couldn't do it, the officer said it was stubbornness because he couldn't do it.

Q. How do you know that?

A. That's what was told there by the boys.

Q. Did you see the boy Watson after his punishment?

A. Yes, sir.

Q. Did you see the boy Gartland after he was dead.

A. No, sir, I was at work; I didn't see him.

Q. Did you see the boy Watson after he was punished?

A. Yes, sir.

Q. Where?

A. He came into the chair-shop.

Q. How did he look when he came in there?

A. He came running in and bust the door open, and hollered out if the boys were going to see him licked like that, and some of the boys said "no," and they took their awls and jacks and went out into the yard?

Q. Was his face bloody?

A. Yea, sir; there was a cut on his face, and blood was coming down;

his head and face were swelled up and his mouth was bleeding, and there was a cut on the side of his face.

Q. Who did you understand he was punished by?

A. Mr. Wheatley.

Q. Anybody else?

A. Mr. Bigelow.

Q. What did you understand the punishment was?

A. Mr. Wheatley was licking him, and he told Mr. Wheatley he would not let him do it, and they had some scuffling there. This is the way Colonel Shepard told us the story in the chapel at prayers. Mr. Bigelow heard some scuffling and went in and struck Watson, not knowing what the fuss was about.

Q. And then the boy, after receiving this punishment, rushed into the chair-shop to get something to defend himself with?

A. Yes, sir.

Q. This is the way you understand it?

A. Yes, sir.

Q. You mean that, before taking any weapon to defend himself with, his face was all bloody, and his head was swelling up on account of the punishment he had received?

A. Yes, sir; I mean that, after getting the whipping, he ran into the shop and got an awl.

Q. Didn't he have anything in his hand when he came in there?

A. No, sir; he didn't have anything in his hand at all.

Q. Were you punished, while you were there, in any other way than what you have described?

A. No, sir.

Q. Have you ever seen the sweat-box there?

A. Yes, sir.

Q. How came you to see it?

A. I was up in the attic getting clothes, with Mr. Scott.

Q. Did you see any strap up there, used for strapping the boys on the arms?

A. No, sir.

Q. Have you talked with the boys who were confined in the sweat-box?

A. Yes, sir.

Q. How long have you known of boys being kept in the sweat-box?

A. About a week.

Q. Being taken out at night?

A. Yes, sir.

Q. How do you know it?

A. Because they told me so. I didn't see them in the sweat-box. I have seen them taken out of the shop, and they would not come in there again for a week, and they said they had been in the sweat-box all the time.

Q. Did they show any signs of suffering from their treatment?

A. They say it hurt them in the small of the back, their shoulders are pressed so tight.

Q. Ever know any other effects of it?

A. Yes, sir; I have known a little fellow named McKay to come out and say he was sick.

Q. How long had he been kept there—do you know?

A. No, sir.

Q. What mode of punishment did the boys consider the most severe,—the sweat-box, or punishment with the strap?

A. It depends upon what kind of punishment you get with the strap.

Q. Have you ever seen officers use such an instrument as that you have in your hands now? [Handing him a trace.]

A. Yes, sir; they have it longer and somewhat thicker.

Q. Haven't you seen something as heavy as that?

A. No, sir.

Q. That was not called a strap?

A. No, sir.

Q. What did they call it?

A. A tug.

Q. Did the officers carry it generally?

A. There was an officer named Hall, and he had one about one-half as long as that, and had a string in it and buttoned it upon his coat, and carried it in that way.

Q. Did you ever know of the round strap being used?

A. Yes, sir.

Q. By whom?

A. Mr. Shepard.

Q. Anybody else?

A. No, sir.

Q. When you were there, did your parents come up and see you?

A. Yes, sir.

Q. Did you have full opportunity to converse with them, and tell them what you thought?

A. No, sir.

Q. Why not?

A. Because we were not allowed to talk about the institution.

Q. The boys were not allowed to talk about the institution?

A. No, sir.

Q. Any regulation to that effect?

A. Yes, sir.

Q. What is it?

A. On the table, on the letter-box, are words to the effect that boys are not allowed to talk to their parents about the institution.

Q. Is it written or printed?

A. Printed.

Q. What does it say?

A. I don't know what it says, but I know it means boys shall not converse about the institution with their parents.

Q. When you have any company there to come and see you, are you left alone with them?

A. No, sir.

Q. Is an officer sufficiently near, so that he can hear whatever conversation is going on?

A. Yes, sir; he is nearer than what you folks are to me.

Q. Did you mean to say to this Committee that you would not have full opportunity to talk with your parents and friends when they came there, and tell them whatever you saw fit in regard to the institution?

A. Yes, sir.

Q. Are you knowing to any other cases of punishment in the institution?

A. A boy named Kelly.

Q. Is he there now?

A. No, sir; he is in the city.

Q. What was his punishment?

A. I don't know what he was punished for, but he was licked across the back, and his back was all purple with pimples as big as the end of your finger, and they came out all over his back.

Q. Ever see his back?

A. Yes, sir.

Q. How soon after the punishment did you see his back?

A. I saw it the next Saturday after he got the licking, when we were going in bathing.

Q. Did you ask him about it?

A. No, sir; I did not get a chance to go near him.

Q. Did you ever learn who punished him?

A. Mr. Shepard and Mr. Armitage—both.

Q. The boy is in the city now?

A. Yes, sir.

Q. Do you mean to say that he has any ill effects from the punishment?

A. His back was all marked with pimples.

Q. Are there any other cases of punishment that you know of at the institution?

A. No, sir.

Q. Did you ever hear of boys confined in the sweat-box being sick while in there.

A. Yes sir.

Q. Well, what officers up there do you consider, or do the boys, or—I want to ask your own opinion; what officers are there that are very severe in handling the boys?

A. I guess it is about six of one and half a dozen of the other,—the whole crowd of them.

Q. Do you know anything of the officers having charge of the trust-houses?

A. No, sir.

Q. Mr. Wood and Mr. Hinckley?

A. No, sir; I don't know anything about them.

Q. Do you mean to say that the officers, while you were there, were very severe in their punishments.

A. Ycs, sir.

Q. Do you believe that the boys would behave, if they were not treated as they are?

A. Yes, sir.

Q. What reason have you to think so?

A. There is a little fellow named McKay, about thirteen years old, and he is one of the worst boys in the yard; there is a lady, and she took him and talked to him kindly, and he behaved himself, and when the officer whipped him he could not make him do anything.

Q. Is this young lady there now?

A. I don't know.

Q. What is the name.

A. Miss Holbrook.

Q. She talks to the boys kindly?

A. Yes, sir.

Q. Don't the officers talk kindly to you there?

A. Very seldom.

Q. (By the CHAIRMAN.) How many times were you punished in the institution?

A. Twice.

Q. When by Col. Shepard with this round trace?

A. Two times.

Q. Those were all the times you were punished by Col. Shepard?

A. Yes, sir.

Q. What had you done?

A. Some noise was made in the chapel and he told me I did it, and I told him I didn't do it. He licked me that night, and I said I didn't do it; and he licked me next morning, when I told him I did do it.

Q. Did you know the trustees of the institution when you saw them there?

A. Yes, sir.

Q. You were at the institution a number of years' you say?

A. Yes, sir.

Q. Did the trustees ever speak to you or did you talk with the trustees?

A. No, sir.

Q. Never?

A. No, sir.

Q. Did you know that you could talk with the trustees if you wanted to?

A. Yes, sir; by asking the superintendent.

Q. You knew you could, if you had asked to?

A. Yes, sir.

Q. Didn't you know that if you thought you were badly treated there you could talk with the trustees about it?

A. Yes, sir.

Q. But you never did?

A. No, sir.

Q. When you were there, did you think you were badly treated?

A. Some of the time.

Q. Most of the time?

A. Yes, sir.

Q. You were generally well treated?

A. I was when Mr. Evans was there.

Q. While Mr. Shepard was there, have you not been well treated?

A. No, sir.

Q. But you never complained of your treatment to the trustees, or any one else?

A. No, sir.

Q. Do you think, if a boy behaved well in the institution, he would be well treated?

A. Yes, sir; that is, if the officers liked him; but if they didn't, he would have to look out for a licking, or anything else they would like to give him.

Q. Don't officers like boys who behave well?

A. Some do and some don't.

Q. Wouldn't the boys be well treated if they behaved well?

A. They might be under one officer, and he might think they behaved well, and would treat them well, and another officer would not think he behaved well and would lick him.

Q. You think that if you behaved just as well under one officer as another, that one would whip you and the other would not?

A. Yes, sir.

Q. Do I understand you to say that boys would be punished if they behaved well—or I will put it in another way—don't you think the boys are punished when they don't behave well?

A. They are punished when they don't behave themselves, but they are punished for very small things; there is no need of their being punished for such small things.

Q. But you think, if a boy does behave well, he would not be punished?

A. Yes, sir.

Q. (By Mr. LOWE.) You were not guilty of that offence for which you were punished?

A. No, sir.

Q. And yet you were punished?

A. Yes, sir.

Q. What kept you in fear of telling the trustees?

A. They never came around where I was.

Q. (By Mr. SANBORN.) How did you know them?

A. I have seen them in the chapel, and I have been introduced to them in the chapel.

Q. (By Mr. PRESCOTT.) You saw Dr. Harvey around there a good deal, didn't you?

A. Yes, sir; I have seen him in the chapel at prayer.

Q. (By Mr. LOWE.) Do you mean to say that the boys being talked with had a good effect?

A. Yes, sir.

Q. (By Mr. HYDE.) What were you sent there for?

A. Disobedience, the first time.

Q. You were taken out once ?

A. Yes, sir.

Q. When were you sent there the first time ?

A. In 1867 or 1868.

Q. Disobedience, where ?

A. Not going to school.

Q. Are your parents living now ?

A. My mother is.

Q. Father is not ?

A. No, sir.

Q. Where does your mother live ?

A. No. 5 Percival Street, in the Highlands.

Q. When did your father die ?

A. In '62; in the time of the war.

Q. And all this time you hadn't been disobedient to your mother ?

A. Yes, sir.

Q. How did you happen to go to the school ?

A. I was sent there.

Q. Did your parents complain of you ?

A. No, sir, it was an uncle.

Q. At the request of your mother ?

A. No, sir.

Q. How long did you stay ?

A. I came up from Canada with my uncle, and they got tired of me and said I was disobedient when I was not, and I hadn't been in the country but a few weeks.

Q. How long did you stay there ?

A. Five years.

Q. When you went out, where did you go ?

A. I went home.

Q. What to do ?

A. I went to work.

Q. What did you get back for next time ?

A. I don't know as it has anything to do with this case; I don't want to answer it.

Q. But we want to have you.

A. For larceny.

Q. What sort of larceny ?

A. Iron and several things.

Q. Where ?

A. Out on the Back Bay.

Q. Where was it taken from ?

A. Out of the house.

Q. You were one of the boys who went to the house ?

A. No, sir; I was not with him at all.

Q. It was not that same offence ?

A. No, sir.

Q. Was it occupied ?

- A. No, sir; it was an unoccupied house.
- Q. People away in the summer?
- A. No, sir; it was a new house they were building. It was all open]
The doors were open, and we went in there.
- Q. How many went in there with you?
- A. Three of us?
- Q. How much did you carry away?
- A. We carried away considerable.
- Q. All you could?
- A. Yes, sir.
- Q. Go more than once?
- A. Yes, sir.
- Q. How did you get found out?
- A. The boys who were bringing it down the street—they got caught.
- Q. And they told on you?
- A. Yes, sir.
- Q. How did you get caught?
- A. I was standing on the street and was arrested by an officer.
- Q. And you owned up?
- A. Yes, sir.
- Q. How long since you left there?
- A. About a year ago.
- Q. How old are you now?
- A. About eighteen.
- Q. Have you written any letter to the superintendent since then?
- A. Yes, sir.
- Q. What did you tell him?
- A. I told him I was at work taking care of horses at the beach at
Hingham, and had some money and had it saved; that I was making
some money and getting along nicely.
- Q. What else?
- A. Don't recollect.
- Q. And you thanked him for what he had done for you?
- A. Yes, sir.
- Q. And you said you were coming up to the cattle-show, and you
thanked him for his kindness to you?
- A. I am not sure. I told him I was coming up to the cattle-show to
see the boys.
- Q. Did not you thank him in the letter?
- A. No, sir; I am not sure.
- Q. What is your best impression?
- A. I think I did not.
- Q. Why did you write to him?
- A. Because I wanted to.
- Q. Not because you felt hardly towards him?
- A. No, sir.
- Q. But because you felt kindly, for you said you were going up to the
cattle-show,—it was because you felt kindly towards him?

Mr. SANBORN. This is interesting, but I don't see how it bears upon the investigation.

The CHAIRMAN. We have allowed a great deal of latitude so far, and shall not object.

Q. (By Mr. HYDE.) Did you ever have any trouble up there, about taking things?

A. Nothing, only what was to eat.

Q. You were assigned down in the bakery?

A. Yes, sir. I never touched anything, unless it was to eat.

Q. When you were down in the bakery, you did appropriate things?

A. Yes, sir.

Q. And they had to change you around?

A. Yes, sir.

Q. Wasn't anything else ever taken up there?

A. No, sir.

Q. How about the cap?

A. I didn't steal that; it was given to me by Mr. Moore; it was given as a present, and I had it.

Q. Are you not the boy that once tried to saw his way out?

A. No, sir.

Q. Never did?

A. No, sir.

Q. Who was the boy?

A. I don't know who he was.

Q. Haven't you tried to get out?

A. Yes, sir.

Q. How?

A. By picking the lock.

Q. Were you not punished for that?

A. Yes, sir.

Q. How?

A. Put in the lodge.

Q. Any other time did you try to get out?

A. Yes, sir.

Q. How?

A. Through the roof.

Q. How far did you get?

A. I got into this city.

Q. You got away once. Well, now, did they get you and take you back?

A. Yes, sir.

Q. Where did they find you in town?

A. Down in South Street.

Q. Who were you with?

A. My brother.

Q. Who else?

A. A boy who ran away with me.

Q. Didn't you have a room in town with a notorious English pick-pocket?

A. That was the boy who ran away with me.

Q. And he went back too?

A. Yes, sir.

Q. How long were you away?

A. A week. I ran away Monday and stayed till Saturday.

Q. What did they do with you then?

A. Kept me in the lodge for a month.

Q. You picked the lock and tried to get away once, and got into this city. Any other things you tried to do? Do you think, on the whole, you were as good a boy as you could be?

A. Yes, sir. I ought never to have been sent there, in the first place.

Q. But the second time?

A. No, sir. When I went there, I didn't know anything—swearing, or anything else; and after I left there, I could do almost anything in the line of thieving or swearing.

Q. How did you learn thieving there?

A. In school.

Q. How?

A. The boys told me how, and explained it to me.

Q. Ever practise it?

A. No, sir; not unless it was something to eat.

Q. And then, when you got out, you went and practised on those houses on the Back Bay?

A. Yes, sir.

Q. And then you went back?

A. Yes, sir.

Q. And practised it no more?

A. No, sir; only on something to eat.

Q. And now you are going to be a good boy?

A. Yes, sir.

Q. And you think all your bad habits have disappeared?

A. Yes, sir.

Q. And you really think it was a good thing for you?

A. Being up there?

Q. Yes.

A. No, sir.

Q. You got up there by larceny, and you got cured of larceny, didn't you?

A. Yes, sir.

Q. And when you got out you didn't feel any better?

A. No, sir.

Q. And you expected to go back again?

A. I didn't know but I might.

Q. What was said in the chapel at the time the superintendent spoke about the boys going in bathing?

A. I can't tell exactly what was said; it was some swearing.

Q. Some one spoke up loud and swore?

A. Yes, sir.

Q. And it was when the superintendent said they could go into the yard or in bathing?

A. Yes, sir.

Q. And some one was swearing?

A. Yes, sir.

Q. There was one boy sitting there who had sworn, and the superintendent understood that, by his sitting near you, it was you, and said you did it?

A. Yes, sir.

Q. And you say you didn't?

A. Yes, sir.

Q. You think, as a whole, they didn't do you any good up there?

A. Yes, sir.

Q. And it didn't improve you any?

A. No, sir.

Q. Did you go up to the cattle-show at the time you spoke of?

A. Yes, sir.

Q. Have a good time?

A. Yes, sir. I didn't go up to the institution.

Q. Were some of the boys down there?

A. Yes, sir.

Q. Some went down and paraded at the cattle-show?

A. Yes, sir.

Q. Did you ever resist Colonel Shepard any?

A. No, sir.

Q. Not at all?

A. No, sir.

Q. You took punishment quietly?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Who have you worked for since you left the institution?

A. A gentleman named Deacon Foster, deacon of Park-street Church.

Q. Did he tell you he would give you a recommendation?

A. Yes, sir.

Q. (By Mr. SANDERSON.) How long were you at the institution the first time?

A. Five years.

Q. How old were you when you entered?

A. About ten years old.

Q. How long were you there the second time?

A. About two years.

Q. Then you have been there seven years in all?

A. Eight years, I believe.

Q. And then away from there seven years in all?

A. Yes, sir.

Q. And then you stole?

A. No, sir, I didn't.

Q. How long had you been under the influence of the reformatory

institution when you came out and committed larceny—the previous five years?

A. Yes, sir.

Q. (By Mr. HYDE.) During the five years you were there, Colonel Shepard was there?

A. No, sir.

Q. It was the former superintendent?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) What is the comparative treatment under the present and former superintendents?

A. I think they fared a great deal better under the former superintendent?

Q. In what respect?

A. I think the punishments were not so hard.

Q. (By Mr. LOWE.) Were not the boys of a different character?

A. No, sir; the same class of boys as then.

Q. Are they not older, and more desperate?

A. No, sir; they are about the same age.

Q. (By Mr. SANBORN.) Didn't they grow older by being kept there from year to year?

A. They keep going out from year to year.

Q. When were you first whipped at the institution?

A. By Mr. Shepard.

Q. Were you ever whipped on your hand under the former superintendent?

A. No, sir.

Q. Never?

A. No, sir.

Q. Your first punishment, then, was under Colonel Shepard?

A. Yes, sir.

Q. How long had you been there before Colonel Shepard came?

A. Five years.

Q. (By Mr. WASHBURN.) Were you told, before you came up here, what questions you were going to be asked?

A. No, sir.

Q. You have been asked questions with reference to your judgment as to the management of institutions of this kind, and modes of punishment; have you talked with any gentleman about the system of punishment or management of institutions of this sort?

A. No, sir. All I ever said I have told Mr. Prescott, what I told here.

Q. Then your judgment as an expert is founded mainly on what you saw yourself?

A. Yes, sir.

Q. Generally speaking, you wouldn't claim to be an expert?

A. No, sir.

Mr. SANBORN. I would like to have a little testimony to identify the strap, if it has not been identified.

The CHAIRMAN. It has been, sir.

Mr. SANBORN. By whom, sir?

The CHAIRMAN. In what respect, sir?

Mr. SANBORN. As to whether it is the one with which Rawson whipped the boys?

The CHAIRMAN. It is assumed to be the strap.

Mr. SANBORN. I would like to get some testimony as to that.

Mr. HYDE. I do not think we will go into that now.

The CHAIRMAN. The Committee are willing to assume that that is the strap which has been here before.

Mr. SANBORN. I am not willing to assume it, sir.

The CHAIRMAN. It is for the Committee to decide.

Mr. DAVIS. I am not ready, as one of the Committee, to assume that this is the trace that was before the Committee before, and I desire the Committee to understand me.

Mr. TOMPKINS. As the matter of the trace is up, I was the one who took that trace from officer Rawson; and I am prepared to take my oath, after a careful examination, that that is the identical strap I brought down.

The CHAIRMAN. Do you wish any further testimony than that, Mr. Sanborn?

Mr. SANBORN. I would like to question the person who brought it here, as to where he found it.

Mr. TRAIN. I think it is wholly immaterial.

The CHAIRMAN. It seems so to me, if that is the trace, and we are satisfied, I think that is sufficient.

Mr. PRESCOTT. I should like to make some inquiry where it was found. It was brought in here and laid upon the table, and that is all we know about it.

The CHAIRMAN. At some future time in the investigation such inquiries can be made, but not at present. It is immaterial, and I do not see how it has any bearing upon the subject. If it is the trace with which the boys have been punished, and which Mr. Tompkins says he will swear he took from Mr. Rawson and brought here, it certainly appears like the identical strap that was called for and presented by the trustee. But, at any rate, at the present time, I do not see as it has anything at all to do with the case.

Mr. SANBORN. I submit it is material. A trustee of the institution, one of the principal witnesses, gave certain testimony, which you all heard, with regard to his disposition of this trace,—assuming it to be the one, which, of course, I must assume, after what Mr. Tompkins has said. Now, I wish to have that witness, or the person who found it, explain where it was found, so that we may connect their testimony with that of Dr. Harvey, and know the exact truth about it.

The CHAIRMAN. What is the object? Is the object to prove that Dr. Harvey's testimony is not to be relied upon?

Mr. SANBORN. I wish to know the fact, sir.

Mr. HYDE. It seems to me, if I may be allowed to make the suggestion, that by calling a witness back twenty times you will never make any progress in this matter. Before the case is over, if they wish to make any further inquiries of Dr. Harvey, they will have the opportunity.

We have gone over his examination once, and, I submit, to keep pulling a man back twenty or thirty times upon points which may come up during the hearing, is not the ordinary method of conducting an investigation of this kind.

Mr. SANBORN. If, as Mr. Hyde has said, I can have an opportunity to ask Dr. Harvey in reference to this matter, I shall be satisfied.

The CHAIRMAN. At some future time.

Mr. HENRY ALLARD—*Called.*

Mr. PRESCOTT. Can you come to-morrow as well as to-day, sir?

The CHAIRMAN. Are you a Catholic?

Mr. ALLARD. Yes, sir.

Mr. PRESCOTT. I would ask, Mr. Chairman, as I had several questions to ask this boy, and as it is nearly one o'clock, and the Legislature meets in thirty minutes,—not more than a reasonable time for lunch,—that further investigation be postponed until to-morrow morning at 10 o'clock.

The CHAIRMAN. The hearing, then, will be continued to-morrow morning at 10 o'clock.

Adjourned.

SIXTH HEARING.

WEDNESDAY, April 4, 1877.

Senator DENNY in the chair.

The CHAIRMAN. The Committee will please come to order. We will continue the testimony of the boys. Is Henry Allard present.

Mr. Allard did not respond.

Mr. PRESCOTT. I should like to make a correction in the report upon the thirty-sixth page. The reporter has there made me say that "I should hardly second the motion." The word I used was "heartily," and the sentence should read, "I should heartily second that motion," as the succeeding words in the paragraph will show.

I would ask, Mr. Chairman, that the reports of punishments which were called for for the year from the 1st of March, 1876, to the 1st of March, 1877, be placed in the hands of the Committee.

Mr. HYDE. Were they not all placed in the hands of the Committee the other day?

Mr. PRESCOTT. No, sir.

Mr. HYDE. I think they were.

The CHAIRMAN. I do not know but what there is a wrong impression about that. We have in our hands the reports of all the punishments by flogging for the year 1876, I think.

Mr. HYDE. They are here, but have not been handed in. They will be in a moment.

Mr. PRESCOTT. It would seem to me, as long as we are investigating the matter of punishment at the institution, the reports of the punishments which were called for last week, being reports of the punishments during the last year, should be handed in, as they might aid the Committee in their inquiry in regard to some of the punishments, and I would ask that they now be put in.

Mr. HYDE. They will be here in a moment.

Mr. PRESCOTT. I would ask, Mr. Chairman, for the tug which was shown here yesterday, and the piece of leather called a strap put in at the first hearing. [The tug and strap were produced.]

TIMOTHY MCKENNA—*Sworn.*

Q. (By Mr. PRESCOTT.) What is your full name?

A. Timothy McKenna.

The CHAIRMAN. I will ask him a few questions.

Q. (By the CHAIRMAN.) You were once in the Reform School at Westborough?

A. Yes, sir.

Q. When were you sent there?

A. In November, 1874, I think.

Q. When were you discharged?

A. The 11th of last April.

Q. The 11th of April, 1876?

A. Yes, sir.

Q. Were you discharged at the expiration of your time?

A. No, sir.

Q. How did you get out of the institution?

A. On probation.

The CHAIRMAN. You may proceed, Mr. Prescott.

Q. (By Mr. PRESCOTT.) You were in the institution about a year and a half, were you?

A. Yes, sir.

Q. I want to ask you in regard to the matter of punishments and discipline in the institution. By whom have you been punished in the institution?

A. By Mr. Armitage, Mr. Wheatley and Mr. Tibbetts.

Q. Mr. Tibbetts?

A. Yes, sir.

Q. He is not now connected with the institution, is he?

A. No, sir.

Q. Will you state to the Committee in regard to your punishment?—first, by Mr. Tibbetts.

A. I was in the school one afternoon, and I dropped a pencil under a boy named Bradley's desk. I stooped down to pick it up, and Mr. Tibbetts told me to report to him in the yard. I told him I was not talking. He said he would not believe me. I can't state exactly the words he said. He said he would not believe me. He took me into Mr. Wheatley's office, and he mugged me.

Q. What do you mean by mugging you?

A. He whipped me on the back and hands.

Q. On the back and hands—about how many blows?

A. I could not exactly tell.

Q. Did he mark your hands and back?

A. Well, my hands were all red when I got through.

Q. You spoke about being punished afterwards by Mr. Wheatley?

A. Yes, sir.

Q. What was the offence for which you were punished by him?

A. I went up and asked Mr. Wheatley why he did not let me go up into the trust grade. He said something, and I said something back, and he told me to go up into his room.

Q. (By Mr. REYNOLDS.) What did you say back?

A. I couldn't swear to that.

Q. (By Mr. PRESCOTT.) State as nearly as you can.

A. Said he, "When I get ready." I told him I ought to have been up there, now, as well as other boys. I said something saucy back to him.

Q. What did you say to him? Do you remember? It was something pretty saucy?

A. Yes, sir.

Q. Do you remember what it was?

Mr. DAVIS. State as nearly as your memory serves you.

A. I said I did not see why I should not be up there as well as any other boys. "You are showing partiality." He told me to come into his room, and told me to take off my jacket. I wouldn't take it off. Then he came up to me, and he gave me the leg, and knocked me down before I knew it.

Q. What do you mean by giving you the leg?

A. He put his leg out, and threw me down.

Q. (By Mr. REYNOLDS.) Tripped you down?

A. Yes, sir. Then I got up, and we had a little tussle, and he knocked me on the bed, and took out a strap, and hit me on the head and body—anywhere he got a chance. Then, afterwards, he told me to wash my head in a basin.

Q. (By Mr. GILBERT.) You said you had a tussle with him; that is, you resisted him?

A. I did.

Q. (By Mr. PRESCOTT.) Did he beat you over the head and body?

A. Yes, sir.

Q. Did he draw any blood?

A. No, sir.

Q. How long did you feel the effects of this punishment?

A. About a day or so, or a little more.

Q. Was you ever confined in the sweat-box at the institution?

A. Yes, sir.

Q. By the way, is that box what the boys call the sweat-box?

A. Yes, sir.

Q. What do the officers call it?

A. Well, I think Mr. Wheatley calls it the sweat-box.

Q. What do the officers generally call it up there?

A. I do not know.

Q. Did you ever hear anybody up there call it a wooden strait-acket?

A. No, sir.

Q. By whom were you first put into the sweat-box?

A. By Mr. Wheatley.

Q. How long were you confined there?

A. I went in in the morning, before the first session,—that is, somewhere before ten o'clock, or somewhere along about ten,—and stayed in there until night, or a little after supper; half-past six or so.

Q. Were you taken out from ten o'clock in the morning until seven o'clock at night?

A. I don't think I was taken out the first time; but I was the second.

Q. Well, referring, now, to the first time you were in the box, when was this; what time of the year?

A. It was in the summer time; Mr. Scott took me out.

Q. Mr. Scott took you out at noontime?

A. No, sir; he took me out one time, when I had to get a drink of water.

Q. Then you were put back into the box?

A. Yes, sir.

Q. What was the nature of the punishment; what effect did it have on you, physically?

A. Well, when I first went into the box, Mr. Armitage tied my hands behind me with a strap—

Mr. GILBERT. I do not understand.

WITNESS. Mr. Armitage tied my hands behind me. I began to loosen the strap a little. When I came out my hands were all swelled up.

Q. (By Mr. REYNOLDS.) Tied in front of you?

A. No, sir; back of me.

Q. (By Mr. PRESCOTT.) Were they tied at the wrist?

A. No, sir; they were tied up further, and I loosened them. Afterwards, when I got out, my hands were all swelled up.

Q. How much were your hands swelled up?

A. About as much as that [about double the usual size].

Q. How much larger than the natural size?

A. I can't say, only my hands were swelled up about that high. [Witness placed one hand about an inch above the other hand.]

Q. Do you mean to say your hands were double the size they naturally are?

A. Pretty nearly; it wouldn't be quite double.

Q. (By Mr. GILBERT.) What caused your hands to swell up?

A. The strap.

Q. (By Mr. REYNOLDS.) How did you loosen it?

A. I commenced to work on it because it was so tight, and I worked it down some. When I knew he was coming back I began shoving it back again.

Q. For what offence were you put in at that time?

A. I don't want to answer that question.

Q. Well, you ought to answer. We want to know what this punishment was for. I want to know what you were put in the box for by Mr. Armitage; what was the offence?

A. Talking in the shop. I was one of the binders in the shop, and I was talking.

Q. Were you put in the box at any other time?

A. Yes, sir; by Mr. Wheatley.

Q. What for?

A. He said I did not have my arms folded coming into school.

Q. Well, were you saucy to him?

A. No, sir. He took me out right after dinner, and put me in until after supper.

Q. How many hours were you in at that time?

A. I should say, somewhere about three or four hours.

Q. What time of the year was that?

A. Summer time.

Q. Well, did you suffer much from heat?

A. Well, the last time I was in I had a chew of tobacco in my mouth, and I got sick and threw it up.

Q. (By Mr. REYNOLDS.) It was the tobacco that made you sick?

A. Yes, sir; it was.

Q. Well, were you taken out when you were sick?

A. No. Not until Mr. Wheatley came up at night.

Q. You were not sick the first time?

A. No, sir.

Q. Is tobacco one of the rations of the institution?

A. No, sir.

Q. Where did you get it?

A. Well, I don't want to say where I got it.

Q. (By Mr. PRESCOTT.) Has Mr. Armitage ever punished you there?

A. Yes, sir; with a round tug.

Q. Well, there are two straps lying upon the table; will you look at them, and see if it was like either of those?

A. No, sir; neither of them.

Q. Well, how were you punished with the round tug?

A. On the bend-over.

Q. What is that?

A. Bent over.

Q. Was that punishment pretty severe?

A. Yes, sir; I was put in between the watchman's and officers' rooms, in the entry there, and I was punished.

Q. Is the round tug ever used there as a punishment?

A. I never knew any other officer to use it.

Q. But who?

A. Mr. Armitage.

Q. You have seen these straps used there?

A. Yes, sir; on me. I have seen the one which was used on me by Mr. Wheatley. They are bigger than that.

Q. (By Mr. REYNOLDS.) What do you mean; were they wider?

Q. (By Mr. PRESCOTT.) Was it thicker?

A. I couldn't exactly tell whether it was thicker or not.

Q. Well, you have seen the officers' straps, and seen that used in your presence?

A. No, sir; only Mr. Armitage, and that was when the boys were getting in line, and he used to take it out and tell them to hurry up and get into line.

Q. Well, do you know of your own knowledge in regard to straps at that institution, what kind is generally used, of these two, when the strap is used?

A. Well, there are some officers have that and some officers the other.

Q. (By Mr. REYNOLDS.) I do not see as you have any answer to your question, which do they use the most?

A. I can't tell; they may go to work and whip a dozen boys and I don't see them, you know.

Q. (By Mr. PRESCOTT.) Do these officers always carry them?

A. They always carry them in their pockets, behind. Mr. Armitage

always carried it, and Mr. Wheatley—no, Mr. Wheatley always kept it in his room.

Q. And Mr. Armitage?

A. Had it in his coat pocket.

Q. Do you know anything about Mr. Bigelow, up there?

A. Yes, sir; I do not know much about him, because he was not there. He only came there a little while before I went away.

Q. Do you know of other boys punished by confinement in a sweat-box?

A. Yes, sir.

Q. Who were they?

A. John Longdon, Joe Watson, Lombey, Richard Jennings, George Guild, and Redding.

Q. Are those all you think of?

A. They are.

Q. (By Mr. TRAIN.) Can't you think of one or two more?

A. No, sir.

Q. (By Mr. PRESCOTT.) How long do you understand that these boys had been confined in the sweat-box—some of them?

A. Well, Longdon stayed a week. I think John Longdon stayed a week.

Q. How do you know it?

A. Well, one afternoon I went out into the water-closet, and he was let out. He was down there, and he said he was feeling pretty bad.

Q. He said he was feeling pretty bad. Well, go on and answer the question fully. How did you know he had been in a sweat-box; what did he tell you?

A. Well, he was there the week I met him.

Q. You understood he was suffering pretty bad because he had been in there, or that he felt bad about his punishment—which?

A. He only told me he was feeling pretty bad.

Q. (By Mr. REYNOLDS.) Before or after?

A. He was in there at the same time he came out to go to the water-closet. He had to go back.

Q. (By Mr. PRESCOTT.) Did he look as though he had been suffering?

A. He looked quite pale.

Q. Which punishment do the boys up there consider most severe—the strap, or confinement in the sweat-box?

A. I couldn't tell you. I would sooner take it with the strap.

Q. Do you know anything about a boy by the name of McKay being there?

A. Yes, sir.

Q. What do you know about that?

A. Well, he was punished two or three or four times a week, sometimes.

Q. He was punished how?

A. Two or three or four times a week.

Q. Are you sure of that?

A. Yes, sir, somewhere's around there.

Q. Well, you go on and relate what you know with regard to McKay's punishment.

A. I was working in the chair-shop, and Mr. Cummings used to bring him down to the bath-room. He used to holler and run around the bath-tub, so all the boys knew when McKay was getting a punishment, because he used to holler so.

Q. Do you mean that McKay was punished by Cummings two, three or four times a week?

A. Mr. Cummings punished him more than anybody else.

Q. How many times did he punish him, according to the best of your knowledge?

A. Two or three times a week. Sometimes he wouldn't be punished at all in the week.

Q. What was he usually punished for?

A. For making a disturbance in the shop, talking out aloud, taking other boys' cane, hitting other boys, and anything like that.

Q. He was a pretty bad boy, was he not?

A. Yes, sir.

Q. Was he a large or a small boy?

A. A small boy.

Q. About how old?

A. I should judge about sixteen?

Q. Is he now in the institution?

A. I think he is, sir.

Q. (By Mr. REYNOLDS.) What is his first name?

A. James McKay, I think?

Q. (By Mr. PRESCOTT.) Do you know anything about the boy Gartland, who committed suicide a year ago last January?

A. Yes, sir.

Q. What do you know about him?

A. He was a big friend of mine while I was there. All I know was, that it was reported in the yard that Mr. Rice, after bathing, came in and licked him, and said, "When I get through with you, the superintendent will see you." That is, so it was reported in the yard. I heard it was commenced by Gartland's firing a book at the teacher in the school. They took him out and put him down in the lodge. I know the boy Gartland told me while I was there that he would do anything rather than get a licking.

Q. Do what?

A. He would sooner have anything than get a licking.

Q. Do you mean he was very sensitive in regard to getting a punishment?

A. Yes, sir; because I was a big friend of his.

Q. What kind of a looking boy was he?

A. He was a kind of a hunchback.

Q. Well, do you know anything directly in regard to this Gartland punishment?

A. No, sir, I do not.

Q. Except what you heard from the boys in the yard?

A. Yes, sir.

Q. What do I understand you to say these boys said?

A. They said that Mr. Rice took him in the school-room and licked him there, and after he got through with him, he said, "The superintendent will see you after I get through with you."

Q. Do you take this to be very soon before he committed suicide?

A. Yes, sir; he committed suicide that afternoon.

Q. Are there any other cases, of your own knowledge, that you have not related to the Committee?

A. No, sir.

Q. What are you doing?

A. I am working for Mr. A. K. Loring.

Q. What are you doing for him?

A. Tending a paper stand.

Q. (By the CHAIRMAN.) How many times were you punished in the institution, do you think?

A. About six times in a year and a half.

Q. Were you punished at any other time? You were punished, were you not, for disobeying the rules?

A. I was punished at one time when I was innocent. Mr. Tibbetts punished me then.

Q. The other times you were punished for disobeying the rules, were you not?

A. Yes, sir.

Q. Did you ever think you were punished more severely than you ought to have been?

A. Only one time—two times; that is, by Mr. Wheatley in his room, and by Mr. Armitage, in the sweat-box.

Q. Then, two times, you think you ought not to have been punished so severely, do you?

A. Yes, sir.

Q. Did you ever complain to the superintendent?

A. No, sir.

Q. Has Mr. Armitage or Mr. Wheatley punished you too hard?

A. No, sir.

Q. You could have spoken of it to the superintendent if they had?

A. Yes, sir; all the boys have the privilege of seeing the superintendent four hours a day at his office.

Q. They have what?

A. All the boys have the privilege of seeing the superintendent five hours a day at his office.

Q. They can see him every day during five hours?

A. Yes, sir.

Q. And if an officer treated a boy badly, the boy could go and tell the superintendent?

A. Yes, sir.

Q. Why did you not tell the superintendent when Mr. Wheatley and Mr. Armitage punished you?

A. I did not like to get any one down on me.

- Q. What was that ?
- A. I did not want to get any one down on me.
- Q. You would not have got the superintendent down on you by telling him ?
- A. No, sir.
- Q. You did not think the superintendent was down on you ?
- A. No, sir.
- Q. You think he was kind, always ?
- A. Yes, sir ; to all the boys there.
- Q. Now, if you had gone to the superintendent and told him that an officer had punished you too hardly, do you not think he would have treated you kindly ?
- A. Yes, sir ; he would have spoken to Mr. Armitage about it.
- Q. Did you know the trustees of the institution when you saw them ?
- A. Yes, sir.
- Q. Have they spoken to you at any time ?
- A. Yes, sir.
- Q. Did you ever tell them you were not well treated at the institution ?
- Do you not think you were well treated at the institution ?
- A. Only these two cases ?
- Q. With the exception of these two cases, you think you were well treated at the institution ?
- A. Yes, sir.
- Q. Do you not think boys generally are well treated at the institution ?
- A. Yes, sir ; I have heard all the boys think well of Mr. Chase, the superintendent, and the assistant, Mr. Hodgkins, Mr. Clark, and the gentleman down at the Farm House.
- Q. What gentleman at the Farm House do you mean, Mr. Hinckley, or some one else ?
- A. The people who were there at the Farm House when I was there.
- Q. Were you ever in the Farm House ?
- A. I was there, but never stayed there.
- Q. You say the boys, generally, were well treated in the institution ?
- A. Yes, sir.
- Q. You were well treated, with the exception of two cases ?
- A. Yes, sir.
- Q. And in these two cases you could have spoken to the superintendent or trustees, if you had desired to ?
- A. Yes, sir.
- Q. But you thought it not best to ?
- A. No, sir.
- Q. (By Mr. DAVIS.) I had this in my mind. You said you might have spoken to the superintendent, but you did not. Why did you not ?
- A. Well, I thought I would get the officer down on me.
- Q. You were not afraid of getting the superintendent down on you ?
- A. No, sir.
- Q. But if you told him, you supposed he would speak to Mr. Armitage ; what did you mean by that ? That you would rather risk it as it was, than have him speak to Mr. Armitage about it ?

A. Yes, sir.

Q. Why; because you were afraid Mr. Armitage would be down on you?

A. Yes, sir; I was in the chair-shop, and I wanted to get my grade.

Q. And would it depend on the officer who had charge of you about your getting your grade?

A. That is what I thought.

Q. You were afraid, if you spoke to the superintendent about it, that he would speak to Mr. Armitage, or the officer that you complained of, and that would get the officer down on you?

A. Yes, sir.

Q. Well, is that the general feeling with the other boys in there?

A. Well, some of them.

Q. They do not dare to complain, because the officer who has charge of them will get down on them?

A. Well, there are a couple of boys that go up.

Q. What is that?

A. There are a couple of boys that go up.

Q. Who are they?

A. There was a boy named Jones, who went up quite often.

Q. What was the result in the case of Jones?

A. I could not exactly tell you.

Q. Well, do you mean to leave that in that way; that you did not dare to tell the superintendent, because, if you did, he would talk to the officer who abused you, and then that officer would get down on you, and you would receive worse treatment for it?

A. That is what I thought.

Q. That is your judgment?

A. Yes, sir.

Q. Are there any officers there who are especially disliked, or considered harsh by the boys?

A. Yes, sir; Mr. Wheatley and Mr. Armitage.

Q. Mr. Wheatley and Mr. Armitage?

A. Yes, sir.

Q. Was Mr. Bigelow there at the time you were there?

A. Yes, sir.

Q. What do they do that the boys think is wrong?

A. Why, I have known of cases where Mr. Wheatley has shown partiality.

Q. Well, that is your judgment; what is the reason? What have you got to show that he shows partiality; can you state any case?

A. Yes, sir; there was a boy at one time, Edward Shea; Mr. Wheatley was reading off the marks, and Edward Shea got two marks. Mr. Wheatley was a kind of a new officer then; he had been there about six or seven months; some one there called out a curse to him, and he heard it.

Q. Did he curse Mr. Wheatley?

A. Yes, sir.

Q. What was he talking about.

A. He was talking about two marks, and said he ought not to get a mark.

Q. Let me understand about these marks. What are they? Are they marks of bad behavior?

A. Yes, sir.

Q. And the boy had behaved badly twice?

A. Yes, sir.

Q. In how long a time?

A. In a month.

Q. And he said he ought not to have any? What was the result? Tell the rest?

A. He cursed Mr. Wheatley. I heard him, and I know Mr. Wheatley heard him, because he did not say anything to him at all, and he went back scuffing his feet.

Q. We want to know just what it is. Tell it just as it is,—everything.

A. Yes, sir.

Q. What else?

A. He commenced mumbling to himself; and I saw another officer who was there take him out and punish him for it. If he had been a small boy, I know Mr. Wheatley would have taken him out and punished him.

Q. He did not report anything to the superintendent about it?

A. No, sir; if he had, he would have got punished.

Q. Then, I do not see what this has got to do about it. You say you have known, sometimes, that where boys have reported their officers to the superintendent, and the officers got down on them? You have known such cases? Jones, for one, had told of the officers?

A. He did.

Q. Well, was there any bad result from it?

A. I could not tell.

Q. But that is the general feeling or opinion?

A. Yes, sir.

Q. (By Mr. TOMPKINS.) Was the officer down on Jones after he had spoken to the superintendent?

A. Jones was in the fourth grade.

Q. Well, did he put him down any lower?

A. That is the lowest.

Q. Then, you do not think Jones suffered at all?

A. Well, he was a boy that used to have a lot of complaints.

Q. Well, he never suffered from complaining to the superintendent?

A. I do not know.

Q. You would, know if he had?

A. Yes, sir.

Q. And yet you do not know?

A. Yes, sir.

Q. (By Mr. DAVIS.) We want you to be entirely truthful. As one of the Committee, I do not want to get anything from you that is in the interest of the boys, or that is in the interest of the institution. I want

the facts. I am not asking you questions in one interest or another. I want you to tell the facts?

A. I am telling them.

Q. You speak about the Gartland boy saying what he would rather do than be whipped?

A. Yes, sir.

Q. Why; do you know?

A. No, sir; he told me that.

Q. Did you understand it was because it was painful to him, or because it caused him suffering in his mind?

A. That is what he told me: he would sooner do anything than be punished.

Mr. DAVIS. I do not care to prolong the examination.

Q. (By Mr. ALLEN.) Did you ever know anybody to complain to the superintendent of being ill-treated by one of the masters, and suffered for it afterwards in that way?

A. No, sir.

Q. Have you known any other cases of complaint to the superintendent than those you have spoken of?

A. No, sir.

Q. I think you have stated that you have been in the sweat-box yourself?

A. Yes, sir.

Q. Have you stated whether it was pressed in close upon you?

A. The second time I went in I was loose, but the first time it was pretty tight. I tried to pull up my arms and could not.

Q. What was the sensation after you had been there 15 or 20 minutes?

A. I know I cried with pain, and I hollered out to Mr. Scott, and he said "Shut up, or I will put a gag in your mouth."

Q. How long had you been in there when you cried out with pain?

A. About two hours or so.

Q. How long were you kept there?

A. I was kept there until he came up that night.

Q. Did you have anything to eat during the day?

A. No, sir.

Q. Any water to drink?

A. Yes, sir.

Q. What was the pain, what was the sensation, how did you suffer?

A. I had pain in my hands and wrists, and felt like falling down.

Q. What were you put in for at that time?

A. For talking in the shop.

Q. With another boy?

A. Yes, sir.

Q. Will you state whether you perspired while you were in there?

A. I did not sweat very much.

Q. How were you when you came out the first time; in what condition?

A. I felt numb.

Q. You said that you were punished twice, severely. What was the other time?

A. One was by Mr. Tibbetts, and one was by Mr. Armitage.

Q. How were you punished on these occasions?

A. Once with my jacket off, and the other was bend-over.

Q. What were you punished with?

A. By Mr. Armitage I was punished with a round tug.

Mr. HYDE. He has been all over that.

Mr. ALLEN. I will not repeat it.

Q. What had you done, or what were you accused of doing?

A. It was something I did in the shop; I do not exactly remember what it was.

Q. What do you mean by being bent over?

A. I was standing with my head bent against the door, and he would hit me.

Q. Was your jacket off?

A. No, sir.

Q. (By Mr. HYDE.) Timothy, before you went there, you were at Monson?

A. Yes, sir.

Q. How long were you up there?

A. I don't know; I could not tell.

Q. How long?

A. Well, I was a small boy when I was there; I do not remember.

Q. How old were you when you came away?

A. Sixteen or seventeen.

Q. Then you came back to Boston?

A. Yes, sir.

Q. How long were you out before you went to Westborough?

A. I think two years.

Q. Well, now, you found the same trouble that Shea did yesterday; you had a little difficulty in recognizing other people's property. That is what you went up there for?

A. I am not going to tell you.

Q. Well, we have got the record here.

A. I don't care if you have. If you have the record, you may keep it. Do you think I came up here to tell you what I got sent up there for?

Q. Why were you sent up there?

A. I am not going to tell you. Mind your own business. I am not going to tell you what I was sent up there for?

Q. Well, we will see.

A. You can find it in the books. Do you think I am going to expose my character before this house?

Q. Well, we want to see just what sort of a boy you are.

A. Well, there is a character for you [showing him a letter].

Mr. PRESCOTT. Mr. Chairman, I ask permission to say a single word. It seems to me that the counsel who appear here for the institution and the trustees should confine their questions mostly to the matter of punishments and discipline in the institution; that is what we are here to inves-

tigate. We are here to find out, and to hear both sides of the case in regard to the discipline and punishment in the institution. Here are boys who have been discharged from that institution a year ago, and are now holding honorable positions in this city, and are spoken well of by leading men of business in this city. Is it hardly fair for these boys, when they are brought up here and questioned in regard to the matter of punishment, to have their old offences raked up and their little peccadilloes in the institution brought out prominently before the whole people of this city, as is the case in the matter through the reporter of the newspaper? If there is anything to invalidate the word or the testimony of a boy, let that be brought out; but it does not seem to me proper that they should have their old offences brought up, and especially about Monson, which is a place where the State provides for our poor and our pauper children guilty of no other crime than poverty. Shall these things be brought up; shall old offences be brought up when a boy has brought, as I understand, a record here showing the confidence of men who are known in this city, and who are willing to speak well of these boys? The point is right here. Should not the investigation be mainly confined to the matter of discipline and punishment of the boys? The boys who testified here yesterday were not cross-questioned at all in regard to that, but they were cross-questioned in regard to certain other matters not bearing on the case, by the counsel on the other side.

Mr. HYDE. If you will allow me a moment. I never have been, in all my career, so embarrassed in an investigation as I have been here. I have had a good deal of experience in matters before committees, both here and on committees at Washington. I have been connected with the investigation of a great many matters, but this is the first time I have ever been embarrassed by a gentleman of the committee, who, I might say, is a good deal more counsel than he is committee-man. But it is not for me to criticise. I came here as counsel, and I think it is my duty to speak frankly, and I say I never before have been placed in a position where I found a member of the committee a good deal more counsel than he was committee-man, in the spirit of the investigation, in the questions asked, in the desire to secure only information on one side, and not upon the other; asking questions that will bring out nothing except the fact that he desires to have proved, and which he has sought to have brought before the Committee in seeking to hunt up witnesses himself to put upon the stand, and trying to get them to overstate statements they would not make before you of their own accord; leading them on by questions that never would be allowed for a moment in any court or ordinary investigation by putting questions into the boys' mouths. "Do you not think you were abused?" "Do you not think you were severely punished?" "Do you not think this?" "Do you not think that?" Now, I say, that is a thing I have never before experienced. I am not here to criticise the action of the Committee; I am here to appear before them and ask them to judge fairly of this question. I only wish my brother, Mr. Allen, and myself could come to an agreement on this matter, because I think he and I, understanding something the manner of these investigations, should have no misunderstanding in regard

to the questions to be asked. Now, this investigation has taken a breadth that at first it did not start with. It has got to take it. There is no way to escape it; nobody desires to escape it. You have really got upon your hands this thing, and we must go through with it until the thing is followed through. Mr. Allen offered an order in the House, and that order was referred to you, and, of necessity, when you commence this investigation, you must push it until you find a conclusion, which will be this,—that you must report generally on the school to the whole community, rather than on the particular question, whether that particular boy received one strap more than he ought to have received for a certain offence. The question of the whole community and of the Commonwealth is, Is this school well managed? is the discipline generally of a proper character? is the institution doing the work that the State's money is spent for? and, if it is doing that work, then to continue it? If it is not doing that work, then you are to make such suggestions that the State's money shall be well expended, that good results shall come from it. You cannot escape from that particular question; it has got to come. Now, we come to the question of discipline, in which Mr. Prescott claims that the former character of these boys should not be exposed. But you cannot touch the discipline of a boy unless you know something about the boy, and something of the treatment which the boy has received.

Mr. LOWE. I would ask if these boys are not all sent there as criminals, and whether from that fact their previous character should not be exposed?

Mr. HYDE. No; I understand the original idea was, that there should be one class of boys in the institution, but now the idea is that there are two classes there.

Mr. LOWE. Then I am mistaken.

Mr. HYDE. Originally, it was intended as a reform school for wayward boys, disobedient boys, and truant boys,—not a class of boys that would be regarded as criminals. Now, I understand that class still continues to be sent there, and there is also another class sent there for some offences that would be regarded as statute offences.

Mr. LOWE. I waive my objection.

Mr. HYDE. There are two classes of boys at the institution. Now, here comes the point. I understand here is a boy out on probation, and I understand that he so conducted himself, on the whole, that he was entitled to promotion and discharge. I am glad of it; I hope he will do well; I hope the institution has done him good; I have not seen him before, and I have not the least feeling against this or any other boy; but when you come to judge of this, you have got to judge of the effect of the institution and its punishments upon the class of boys sent there, and what they are sent there for. If you have a class of boys sent there because they are without fathers or mothers, and because they were wayward, and if you have other boys sent there for high, grave, and serious offences, then you have got this question, whether this school shall be compelled longer to take these boys. If a boy 18 or 19 years old is sent there for a crime of a severe character, and a crime which being committed by a man would send him to a long sentence, it becomes a

serious question whether the State is doing its proper work by sending them there. Then again, if a boy is sent there under such circumstances, you have got to take into consideration what discipline is necessary to take charge of that boy in that institution. I have no desire to parade anything which shall injure him. I have no desire to expose this young man in any way, or to do anything that shall mortify him, or prevent him from having a future. But it is very evident that the reason the boy does not answer is because he has been told not to answer.

Mr. PRESCOTT. I would ask if the gentleman intends to intimate that I have told this witness what he should not answer. I would like to ask if the gentlemen intends to make that charge. I do not know that you have any reason whatever for it.

The CHAIRMAN. You have not yet been charged with anything of the kind.

Mr. PRESCOTT. I have not been charged, but these hints have been thrown out, which I propose to resent as frequently as they are brought up.

The CHAIRMAN. They have not been applied to you, sir.

Mr. PRESCOTT. There has not been any application by name, but it is said that this boy does not tell these things, because he has been told not to tell them. Now, as I was instrumental in having him brought here, the only inference, it seems to me, is, that I did tell him what questions to answer. I desire to resent any such statements.

Mr. HYDE. I have had parties say to me, not members of this Committee, that they thought it was a pity and a wrong to bring boys up here who were out doing well, trying to get an honest living in good places, and parade them in the newspapers, stating where they are at work, and who they are at work for. I have had complaints made to me since this first hearing began, that these boys, who have been commended by the State to good places, and are doing their work well, as we are informed, ought not to be paraded to the community as boys that have been to the Reform School. People have said to me that they thought it was wrong to bring that class of boys here, and parade them to the public as boys who have been in the Reform School. As I say, I have no desire, and I know the Committee think certain questions should not be asked them. I am perfectly aware of these cases, but by your record, I say, you cannot judge properly of them, unless you have the character of the boys, and what they were committed to the institution for. Now, if the Committee prefer it may come into the record of the Committee, I will be prepared to leave it in this way.

Mr. ALLEN. One single remark. I ask leave first to read the note which the boy handed to Mr. Hyde, which will throw some little light on his position. [Reads] :—

Boston, April 3, 1877.

To whom it may concern :

I want no better boy than Timothy McKenna has proved himself to be since his return from the Westborough Reform School.

(Signed)

A. K. LORING,

Cor. Washington and Bromfield Streets.

If I may add a word on this matter. I have seen what my brother Hyde has seen, but with a little difference. And in saying this, no member of the Committee will say that I have exhibited any other desire except that of obtaining the simple truth bearing upon the most substantial points of this case. While on the one hand there has seemed quite an earnest desire on the part of some members of the Committee to get at witnesses, I submit that other members of the Committee, in examination of witnesses, have forgotten for the moment that they were judges in this case, and have taken such a position that a stranger in the room not knowing the exact position of the parties might think they were the defendants' attorneys. I think that fact is as evident as it can be. It is perfectly apparent to everybody in the room that this Committee, up to this time, is divided in opinion; that some of the Committee feel there are facts that have been neglected negligently, or possibly willingly. And others seem to be determined to make it thorough. Here we are told, on the one hand, that these boys, who have left the institution and are now doing well, ought not to be brought in here and asked questions which will be published in the papers, setting them forth as boys that have been at the Reform School, and have been sent there for certain offences. I submit that the tendency of all this is to frighten away those who would be most likely to give valuable information. If you are going to look every boy in the face and ask him if he has committed larceny, or for what offence he was sent there, and if you are going to give his present position and make an open statement, the natural tendency is to frighten away the only reliable testimony; because they say those boys, while there, are not trustworthy, and those who leave there and do well are not to be trusted.

Mr. HYDE. We have not said they were not trustworthy.

Mr. ALLEN. No; but you say that it is cruel to bring them up here, and injurious to their future. —

Mr. HYDE. I said people had said to me since these boys had been called, that, in their judgment, it seemed to be so. I have not said I thought so, one way or the other.

Mr. ALLEN. I only desire, Mr. Chairman— I may say that this Legislature is drawing to a close, and the eyes of the House of Representatives and the people of the State are upon this Committee; they desire to know these facts; but I feel constrained to say, I think we go over four times as much ground as there is any need of going over. What we want to know is, substantially, this: how they are treated and how the institution is managed, and whether they are made better or worse, and whether these teachers are cruel, and whether they try to help them or make criminals of them. I trust, in this investigation, no more allusion will be made that some time in his life some boy has been so unfortunate as to be without a father or mother, and to be sent to Monson for the time being, to have this flung in his face as a possible barrier to other boys who are similarly unfortunate, and keep them away. Surely this Committee will agree, I think, that the fact that a boy's father and mother died when he was young, does not tend to make him unreliable and untruthful, and I trust it will not be permitted to be referred to again to that extent.

The CHAIRMAN. The Chair will state that, whatever opinions there may be with reference to these boys being brought in here to testify, the Committee have taken no action upon that whatever; these boys are here at the request of Mr. Prescott. We knew nothing of these boys' coming here until they were called before us yesterday. Now, with regard to the questions that shall be asked the boys, and the testimony they would offer; questions have been asked them with relation to their punishments, with relation to their behavior while in the institution, with relation to their opinions of punishment, with relation to their opinions of officers, and with relation to their opinions of the general management of the institution. All these questions have been asked, not only this boy, but the boys that testified yesterday. Therefore, it has thrown open a very broad and full investigation. All these boys who have been brought here—not by the Committee, as a whole, but by Mr. Prescott, not being objected to by the Committee, because the Committee did not want to draw the line closely, or to appear to restrict testimony in any direction, which can possibly be considered as bearing on this case. Now, with regard to asking the boys about their character previous to their going to the institution, and for what they were sent there, I will rule, subject, of course, to the Committee, that these questions need not be asked the boy, but that the commitment may be placed in the hands of the Committee, and will be printed with the report; because it is essential, as just stated, for us to know the character of the testimony we are receiving. Of course the character of the testimony depends entirely on the character of the witness. If any members of the Committee see fit to summons boys here, it will be, perhaps, to a certain extent, unfortunate that the character of the boy is made public; but we are not responsible for that. I will rule that the question need not be pressed what this boy was sent to the institution for, but the commitment be placed in the hands of the Committee, and will go into the records.

Mr. HYDE. If I may be allowed to state it, I desired yesterday, at the close of the hearing, to have made a suggestion to the Committee. It is very evident that, at the rate we are going on, this thing is going to be very much protracted. There is no desire on the part of anybody to restrict the Committee from bringing out all the facts desired; but if we could have a little more method, I think it would, perhaps, assist us in our work. Now, then, if the Committee would adjourn fifteen or twenty minutes earlier than usual, and would remain with Mr. Allen and myself, I think we could form some general method of conducting the examination so that it would be more satisfactory to all parties. If that suggestion is a proper one, I would like to ask that we adjourn twenty minutes before one for that purpose.

The CHAIRMAN. The Committee will give that opportunity. Mr. Hyde, you may proceed.

Q. (By Mr. HYDE.) Now, Timothy, passing these matters, you said you were punished six times?

A. About that, sir.

Q. And you thought none of your punishments too severe for the offences committed, except two?

A. Yes, sir.

Q. Now, these two were, one when you were whipped for dropping a pencil, by Mr. Tibbetts, who is no longer there?

A. Yes, sir.

Q. And the other was by Mr. Armitage?

A. No, sir; the first one was not by Mr. Tibbetts; the first one was by Mr. Wheatley, in his room.

Q. Was that the time when you dropped the pencil?

A. No, sir.

Q. Well, that was the time when you were punished?

A. Yes, sir.

Q. You were punished by Mr. Wheatley, and he punished you in his room?

A. Yes, sir.

Q. Well, now, Timothy, tell us about all you said to him, as nearly as you can, and how it happened?

A. I was trying to get into the trust grade; I had been in the first grade about two months. I went up to him one night and asked him why I was not put into the trust grade, and he said, "Behave yourself until I get ready to let you." I said I deserved to be put there, and that I behaved myself in school. He said something to me, and I told him he was showing partiality.

Q. Well, now, you said you were very saucy; you said something more than that, didn't you?

A. I do not remember anything I told him now.

Q. Don't you think you did?

A. I may have.

Q. Well, that was to Mr. Armitage?

A. No, sir.

Q. Mr. Wheatley?

A. Yes, sir.

Q. Was that the first time you had any trouble with Mr. Wheatley?

A. He had put me in the sweat-box before that.

Q. Was that the only time you and he had any trouble?

A. Yes, sir.

Q. At that time, you did not like Mr. Wheatley?

A. No, sir.

Q. You were saucy to him?

A. Yes, sir.

Q. He took you up to his room and whipped you?

A. Yes, sir.

Q. You had a scuffle?

A. Not much of a scuffle; I told him I would not take off my jacket; he knocked me on the bed.

Q. Yes?

A. He is a coward.

Q. Yes, sir?

A. He is a coward.

Q. Yes, sir?

A. He is a regular coward, and I would tell him so right up to his face.

Q. Yes, speak right out?

A. He is a regular coward.

Q. Well, you were not?

A. If Mr. Wheatley was out of school—

Q. You are not a coward, if he was, are you?

A. No; I can take him out on the Back Bay and give him all he wants.

Q. You stood right up to him that day?

A. Well, I had to weaken, you know; he had got the best of me.

Q. You did stand up to him the best you could; you were pretty strong?

A. Well, I can handle him now.

Q. You were about a match for him then?

A. Yes, sir; but it would not be any good; because I was trying to get home, and I didn't want to get into the lodge.

Q. But you didn't take your coat off?

A. No, sir.

Q. And you stood up to him?

A. I told him I would not take it off.

Q. Did you swear?

A. No, sir; I never swore to an officer while I was there?

Q. Now, was that all you did? You told him you would not take your coat off.

A. He commenced soft-soaping me, and before I knew it he came the "leg" on me and knocked me down. I got up and hollered to Mr. Shepard, who was outside the door. I said, "You are not going to 'mug' me until I see the superintendent."

Q. What do you mean by "mugging" you?

A. Licking me.

Q. Now, you said, in answer to Mr. Prescott, as I wrote it down, that you had a little tussle with him. I wanted to get at what that was, because you look as if you would give a man a pretty good tussle?

A. I could give him all he wanted.

Q. You did give it to him?

A. I did not, because I did not have a chance.

Q. What did you mean by saying that you had a little tussle with him?

A. I simply refused to take off my coat; that is all it was. After he knocked me down, I got up and hollered out I wanted to see Mr. Shepard before he licked me.

Q. Well, coming now to another matter, you spoke of being sick in the sweat-box from using tobacco. Now, was not tobacco forbidden?

A. Yes, sir.

Q. And you had some?

A. Yes, sir.

Q. What was it?

A. A plug.

Q. Did you have a good-sized piece?

A. Yes, sir; a whole piece.

Q. Well, now, how did you get it?

A. I won't tell you how I got it.

Q. I don't ask you how you got it. Did you get it inside?

A. I got it from one of the outside boys.

Q. I don't care what his name was. It was no visitor that gave it to you?

A. No, sir.

Q. One of the outside boys gave you the plug, and you took it up there to chew while you were in the box?

A. I saw a man that used tobacco, and gave him a chew. I had mine concealed in a bag in my shirt.

Q. When you were put in the box, you thought you would have some tobacco, and you took a chew?

A. Yes, sir; I commenced to chew it.

Q. Did you put it all in before you went into the box?

A. Yes, sir. I swallowed the spit. I didn't want to show that I had it.

Q. Did you replenish the chew any?

A. I do not understand.

Q. I mean, did you put it all in your mouth before you got into the box?

A. No.

Q. Did you get your hand up to your mouth to put in another chew?

A. Oh, I could get my hand up there. I said the second time I was in I had my arms free.

Q. You were not tied?

A. No; I could get my hand up and get it out.

Q. So that day you didn't have a very hard time in the box, except that you were sick?

A. The first time I had a hard time.

Q. The first time you were tied; the second time you could get at your tobacco?

A. Yes, sir.

Q. Did anybody find out you had tobacco?

A. No, sir.

Q. Did you ever have it at any other time?

A. Yes, sir.

Q. Did you always get it from the boys outside?

A. I got some down in the village, cattle-show day; got a couple of plugs.

Q. Well, you had to keep it concealed?

A. Yes, sir.

Q. Well, now, don't persons who come there to visit the boys try to hand them a little tobacco, and so forth; friends, I mean?

A. None of my friends.

Q. Don't you know it was sometimes done?

A. Yes, sir.

Q. And that was one of the reasons why they had an officer remain with the boys when they were visited; that the visitors should not hand them things that the rules of the institution prohibited?

A. I do not know; it may have been.

Q. How long have you been out?

A. It will be a year the 11th of April.

Q. Did you receive any promotions in there?

A. Yes, sir.

Q. How many?

A. Two.

Q. Promoted from what to what?

A. To the barber's shop, and from that to the laundry.

Q. Where were you in the first place?

A. In the chair-shop.

Q. And you were promoted from the chair-shop to the barber's room, and then into the laundry?

A. Yes, sir.

Q. And then you had certain outside privileges?

A. Yes, sir.

Q. You wanted to get these?

A. I was trying to get them.

Q. And having these to get, you tried to do well to secure them. You did better there for having something you could be promoted for?

A. Yes, sir.

Q. I understood you said you always liked Colonel Shepard. He took good care of you?

A. Yes, sir.

Q. I hear you have got a first-class testimonial. You expect to get along honestly all the rest of your days, and let this all be forgotten, and be a better man than you have been?

A. Yes, sir.

Q. Now, one other question. How did you happen to come up here?

A. I came up of myself, more than anything else.

Q. Did you meet anybody and talk about this?

A. That matter was talked about with Mr. Prescott, and I helped to get these other boys here.

Q. Where did you get them?

A. They all belong to my shop.

Q. Mr. Loring's?

A. Yes, sir.

Q. Who met you there with the other boys?

Mr. PRESCOTT. I suppose that the members of this Committee, and this Committee as a whole, were established by the Legislature to inquire into the matter of discipline and punishment in the institution, and that any member of this Committee has a right,—indeed it is his duty,—to get all the information he can in regard to the institution and bring it here before the Committee. I have availed myself of that opportunity, and I do not like to be criticised for having done so.

The CHAIRMAN. You will proceed, Mr. Hyde.

Mr. HYDE. Have I said a word of criticism upon the gentleman's conduct?

Mr. PRESCOTT. I would like to know what matter it is whether Mr. Prescott or Mr. Davis or Mr. Denny or who saw these boys beforehand and called them? They are here now in this room, testifying in regard to the order before the Committee, and I hope the testimony will be taken to that point.

Q. (By Mr. HYDE.) One single thing more. Don't you think, as a whole, the school has done you good?

A. Yes, sir.

Q. (By Mr. ALLEN.) Do you mean to tell Mr. Hyde that you think you are better for going to that school?

A. Yes, sir; but the boys that were in trouble with me, when I was taken away, only got a month and two months, and I served a year and a half, and my crime was a small one.

Q. The question is, whether you think you are better for having been there?

A. Yes, sir; only I want to state that the boys who were with me only got two months and I served a year and a half, and I did the smallest trouble.

Q. (By Mr. HYDE.) You were sent there, by whom?

A. By Mr. Johnson.

Q. In the city, here?

A. Yes, sir. He wanted to get money out of my mother to get me out, afterwards.

Q. I mean, he was the officer?

A. He lives in East Cambridge.

Q. You were committed by the court in East Cambridge?

A. Yes, sir.

The CHAIRMAN. You are excused.

FRANK CUNNINGHAM—*Sworn.*

Q. (By the CHAIRMAN.) When did you go to the State Reform School?

A. A year ago last June.

Q. How old were you when you went to the school?

A. I was 17.

Q. When did you leave the school?

A. I left there last October. I could not tell exactly the day.

Q. Then you were there, how long?

A. Sixteen months.

Q. Was that the time you were sent for?

A. No, sir; by good conduct I got out.

Q. You came out to take some place, somewhere?

A. Yes, sir.

Q. You were well treated while you were in the institution?

A. Yes, sir.

Q. The officers treated you well?

A. Yes, sir.

Q. Were you never badly treated in the school ?

A. No, sir.

Q. By any officer ?

A. No, sir.

Q. You think, then, it was a benefit to you to go to the school ?

A. Yes, sir.

Q. Were you ever punished in school ?

A. Yes, sir.

Q. Did you think you deserved it at the time ?

A. Yes, sir.

Q. You think, now, the punishment did you good ?

A. Yes, sir, I do.

Q. You think well of the school, then, do you ?

A. I do.

Q. (By Mr. PRESCOTT.) What was the punishment you received there ?

A. The sweat-box.

Q. How long were you in it ?

A. Half a day.

Q. Who were you put in by ?

A. Mr. Armitage.

Q. Hands tied at all ?

A. No, sir.

Q. Pressed tight in the box ?

A. Pretty tight ; I could get my arm up, but could not get it down.

Q. What time of the year was it ?

A. Summer time.

Q. Did you suffer much from heat ?

A. Well, I sweated a good deal. My clothes were all wet through when I got out, and I could hardly stand.

Q. What were you put in for ?

A. For talking and laughing in the shop ?

Mr. PRESCOTT. I have no further questions.

Q. (By the CHAIRMAN.) You think the punishment was not more severe than it should have been ?

A. No, sir.

Q. (By Mr. ALLEN.) Do you know of other large boys being confined in the sweat-box ?

A. Yes, sir.

Q. Did you ever hear it called by any other name.

A. No, sir, I did not.

Q. What effect did it have on other boys ?

A. I have seen boys with the calves of their legs swelled away up, and very weak for days.

Q. You remember such cases ?

A. Yes, sir.

Q. How soon did you begin to suffer after you were put into the box ?

A. About an hour ?

Q. What was the sensation ?

A. Numb. I commenced to sweat and fidget, kind of working around in a kind of fidgety, nervous way. I thought I was going to be very much hurt.

Q. You said your hands were higher than your head?

A. No, my hands were not higher; but I could get my hand up and could not get it down.

Mr. HYDE. Remember, he put it up after he was in the box.

Q. Did you put it up before or after the box was shut?

A. After.

Q. And then could not get it down again?

A. No, sir.

Q. Do you think that did you good, being shut up there?

A. I think, if I hadn't been there, I should never have been trusted much, because I think it made me get up my grades better. I behaved myself after that.

Q. Now, young man, whom have you talked with before you came here? Any one? Who asked you to come?

A. No one, sir. I met some boys yesterday down in Court Street who asked me why I did not come up to the investigation. I said I didn't think spectators were allowed to be here, and so I didn't come. To-day I came up for some reason.

Q. Haven't you spoken with any of the members of this Committee?

A. No, sir. While I was sitting there Mr. Prescott asked me if I had been down to this reform school. He asked if I had been in the sweat-box, and asked me if it had done me any harm; and I said no. He asked me if I was saturated after coming out; I told him yes. He said he thought I would be asked to appear before the Committee.

Q. (By Mr. PRESCOTT.) Did you ever see me before you saw me in this room?

A. No, sir.

Q. (By Mr. ALLEN.) Have you seen other boys who have been punished by flogging there?

A. Yes, sir.

Q. What was the extent of their marks?

A. I think they must have suffered very much.

Q. You have been talking with the superintendent since. I do not ask you what he said, but you have been talking with him?

A. Yes, sir; about a minute.

Q. What were the effects on these boys?

A. Black-and-blue blisters.

Q. Where?

A. Over the back and body.

Q. All over?

A. Everywhere; from their neck down to their feet.

Q. What boys did you see punished in that way?

A. I do not know the name of the boy, but he was sent to the house of correction.

Q. Were these floggings of frequent occurrence?

A. Yes, sir. When boys would not obey the rules, they were sure to be punished.

Q. Did you ever see any of these punishments?

A. Yes, sir. I have seen Goss and Turner.

Q. Were they stripped?

A. Yes, sir; and put into a strait-jacket.

Q. You understand that when they were stripped their clothes were taken off?

A. All their clothes except their shirts.

Q. And flogged in that condition?

A. No; they were put in a strait-jacket a week, from day to day. They were put in in the morning, and taken out at night.

Q. What is that strait-jacket?

A. I never saw but one. It is of canvas, and with buckles behind.

Q. Do they buckle their arms back?

A. No, sir; it is as if you had a jacket on, and you put your arms down in front, with buckles behind. It buttons right up close. They lie on the bed in the dormitory, and they lie there until they let them out.

Q. Can they move much?

A. Not much, sir. Sometimes they will get up, if they are not put in too tight.

Q. Well, were these boys strapped by the officers,—all these other boys?

A. Well, I was working in the hall with Mr. Clark, and I saw them there.

Q. What were the ages of these boys?

A. I could not tell you.

Q. About?

A. About 18.

Q. Have you seen boys flogged with the strap?

A. No, sir; but I have heard of them.

Q. What did you hear?

A. I have heard Mr. Rice flogging Gartland.

Q. You heard Mr. Rice flogging Gartland?

A. Yes, sir.

Q. What did you hear?

A. Gartland did not make any noise, and did not seem to suffer much. I did not think Mr. Rice used any great power in flogging him.

Q. What did you hear?

A. It was Saturday afternoon, and I was standing at the bathing-room door. Mr. Rice took him into the entry, and I heard the strokes every time he would hit him; but Gartland never cried nor hollered nor anything. I do not believe he gave him over 20 straps, and then he took him down into the lodge-room.

Q. Do you think he gave him 20?

A. Yes, sir.

Q. He was a deformed boy, was he not?

A. Yes, sir.

Q. About 20 years old?

A. I do not know how old he was.

Q. A stout boy, was he?

A. Not very stout; he was very short, and not very thick.

Q. A slender boy?

A. Yes, sir.

Q. Pale-faced?

A. Yes, sir; black eyes, and pale complexion.

Q. Do you think these strappings did the boys any good?

A. I do not think it did in his case.

Q. Have you any doubt that is the cause of his committing suicide?

A. I do not think the boy was thoroughly in his right mind.

Q. No, but do you not think the flogging which he had, and the other which was threatened him, was what caused him to commit suicide?

A. No, I do not. He had run away and been brought back. Of course he knew he would have to stop the longer for it, and I suppose that made him feel kinder bad, and he did not care how soon he did anything that was not right.

Q. (By Mr. DAVIS.) You were placed in this sweat-box. What was the ceremony when you were put in there? Were you in there more than once?

A. No, sir.

Q. Well, tell me how they placed you in there?

A. Well, I went up there with Mr. Armitage; I tried to beg off as well as I could, but it was no go; he was bound to put me in there. I went up there, and he opened the door, and there was a boy in there. There were boards placed on the sides, and he took the boards out. He let the boy out, and took the boards out, and then he put me in. I tried to press out on the sides all I could.

Q. What do you mean by that?

A. So that he would not get them so tight.

Q. Then he squeezed it up, and you placed your elbows out?

A. I placed my elbows out. Then he left me there, and I asked him how long he would keep me in there? He said, "Not very long; you are a pretty big boy, and ought to know how to behave yourself." Then I commenced to sweat, and tried to get my arm up and grab a beam that was over my head. I thought that I could pull myself up, but I could not reach the beam, nor get my arm down again. I wiggled around, and kicked away, doing anything I could to break out, but I could not. I was in that position until they took me out, just before prayers in the evening.

Q. Did you make a noise there by stamping so they could hear you in the office below, do you think?

A. I supposed they could hear.

Q. Did you want them to come up?

A. Yes, sir.

Q. You wanted to get out?

A. Yes, sir.

Q. You signalled the best way you knew how?

A. Yes, sir.

Q. Did you "holler"?

A. No, sir.

Q. No one came?

A. No, sir.

Q. Do you think that, by bracing yourself in the way you did, you kept the sides apart any?

A. I do not know as I did.

Q. That is what you tried to do. Did you say that you plead and promised Mr. Armitage, and asked him not to put you in there?

A. Yes, sir.

Q. Before you went in there?

A. Yes, sir.

Q. Did you tell him you would behave, and would not do so any more?

A. Yes, sir.

Q. Did you promise to behave?

A. Yes, sir.

Q. Now, tell that; I do not want to draw anything out; I only want to get at the facts; now, tell it just as it is; tell what promise you made?

A. I told him I would try to do better, and I did not think I ought to be punished, because that was my first offence. I told him I did not think I had done anything to be put in there for; but he said, "Yes, I had"; so I told him I would not do it any more, and I did not want Col. Shepard to know that I was punished, because I wanted to get home as soon as I could. He said, "Well, you have got to go in, anyhow." So he put me in. I told him I would try to behave myself afterwards when he let me out.

Q. You told him you would behave when he let you out?

A. He did not ask me when he let me out.

Q. No promises were made then?

A. No, sir.

Q. The boy that was taken out when you were put in was smaller than you were?

A. Yes, sir.

Q. So that he had to take out some of the inside boards to make room for you? Now, tell it just as it was. I do not want you to tell it different from what it was.

A. Well, three or four hours after I was put in, my legs began to ache, and I did not think I could stand it much longer. That was when I commenced to kick.

Q. You signalled the best way you knew how?

A. Yes, sir.

Q. Nobody came?

A. No, sir.

Mr. DAVIS. I do not know as I want to ask any further questions.

Q. (By Mr. ALLEN.) You say you were taken out in time for prayers; did you go to prayers?

A. No, sir; they took me right to my dormitory.

Q. But you were taken out just in time for prayers?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) How long do I understand you were in the box?

A. From half-past one until—I guess it was seven o'clock.

Q. How long did you feel the effects of your confinement in the box?

A. Two or three days afterward my legs were very weak.

Q. You were there five or six hours. Have you heard of boys being confined in that box four or five days?

A. Yes, sir.

Q. Do I understand you have seen boys in the institution who have shown the effects of confinement in that box?

A. Yes, sir.

Q. What do you understand were the effects?

A. Their legs were all swollen up, and they were black and blue, and the cords stood out on them so you could see them—black and blue all over. They looked very pale and sick.

Q. You have seen these boys yourself, have you?

A. Yes, sir.

Q. How long had these boys been confined there?

A. One had been there four days.

Q. Who was that?

A. Goss.

Q. Who?

A. Goss.

Q. With regard to these straps you see on the table; are these used for punishment frequently?

A. Yes, sir.

Q. Both?

A. Yes, sir.

Q. Which is generally used there?

A. I should judge that was the one.

Q. The heavier one?

A. Yes, sir.

Q. Do officers usually carry them about their persons?

A. I know Mr. Wheatley and Mr. Armitage did.

Q. Where do they carry them?

A. In their pockets, behind, in their coat.

Q. Do you think the heavier strap was used oftener than the lighter?

A. Yes, sir.

Q. Did you ever see a round strap, or tug?

A. I never saw that; I have heard that the superintendent used that.

Q. You have heard that the superintendent used it?

A. Yes, sir.

Q. You never saw it?

A. No, sir.

Q. You do not know anything about it yourself?

A. No, sir.

Q. Do you know of any boys being punished by having water played upon them through a hose?

A. Yes, sir.

Q. What boys?

A. I know, one Sunday, we were in the chapel, and Watson, Turner, Goss and Fugh, and two new fellows, that I didn't know their names, began to make a noise while the minister was preaching the sermon. After chapel, I was in the hall as usual, and I went down into the lodge, and it was all covered with water. I heard some stories, and I saw the hose there. It was the big fire-hose. I heard they had been playing upon these boys; and after that they were taken up and put into strait-jackets and gagged, so they could not make any noise.

Q. You do not know, yourself, of your own knowledge?

A. I saw them; I saw them gagged and in strait-jackets.

Q. Well, will you state what this process was?

A. I do not understand.

Q. Well, what is used for a gag?

A. A strap is drawn across their teeth, inside their mouth.

Q. And tied behind?

A. Yes, sir; buckled behind.

Q. They were put into strait-jackets?

A. Yes, sir.

Q. How long were they kept in this condition?

A. Well, Turner and Goss, I know, were kept in it for as much as a week, every day.

Q. Not with the gag in?

A. Yes, sir.

Q. With the gag in?

A. Yes, sir.

Q. (By Mr. ALLEN.) All day?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Did you see them the next day?

A. Yes, sir; I saw them every day afterwards.

Q. Did they have a gag in then?

A. They had for about three or four days, and then it was taken out. They were able to stand.

Q. What do you say?

A. They were able to stand up with the strait-jackets on.

Q. Well, will you describe this gag more fully than you have?

A. It is simply a leather strap, put inside the mouth and tied over their teeth, and buckled behind the head.

Q. Well, were the boys' arms confined in the strait-jacket so they could not move them?

A. They were confined upon the front in that way [placing his arms upon his legs].

Q. How many days did you see them in this condition?

A. A week.

Q. Where were they?

A. In the dormitories.

Q. In their separate dormitories?

A. Yes, sir; separate.

Q. How came you to see them?

A. I was working in the hall.

Q. All this disturbance they made in the chapel was on Sunday afternoon, was it?

A. Sunday morning.

Q. Well, do you know that these boys, previous to that disturbance, had been kept there in the lodge for nine weeks, or for a long time?

A. I know they had, but not for nine weeks.

Q. Do you know how long they had been kept there?

A. Four or five weeks.

Q. And then, on this Sunday, they made a disturbance?

A. Yes, sir.

Q. Do you know of any other case of boys being punished by having water played upon them?

A. No, sir; I do not.

Q. Do you know of any other boys being punished by the use of the gag?

A. No, sir; I do not.

Q. Did any of the trustees come around while these boys were in strait-jackets, and with gags in their mouths?

A. No, sir.

Q. Did you see Dr. Harvey about the institution at that time?

A. I did; but he never used to look into the dormitories, and a boy might lie in a strait-jacket on the bed and he could not see him.

Q. Were the doors mostly closed?

A. Yes, sir; all closed.

Q. With two or three bars in the upper panel?

A. Two bars.

Q. So, by a person passing along, if a boy was in there gagged, with a strait-jacket on, he could not be seen. Was it possible for these boys to make any noise while they had the gags in their mouths?

A. They might have rolled around, but they would have hurt themselves.

Q. Could they speak out?

A. No, sir; they could not.

Q. Do I understand you to say that you saw these boys every day for a week with strait-jackets on and gags in their mouths?

A. No, sir; I think I saw these boys with straight-jackets on and the gags in their mouths for four days,—the rest of the time they were in strait-jackets, but they had no gags in.

Q. They were taken out at night and put to bed?

A. Yes, sir; in the same dormitory.

Q. Do you know whether these boys went up to prayers?

A. No, sir; they did not.

Mr. PRESCOTT. I have no further questions.

Q. (By Mr. REYNOLDS.) What did they put the gag in their mouths for?

A. So that they could not holla.

Q. Did they holla?

A. They hollaed while they were in the chapel.

Q. Do you know that these boys made a disturbance before the gag was put in?

A. Yes, sir.

Q. Do you know it was put in to stop this noise?

A. Yes, sir.

Mr. DAVIS. There has been considerable evidence here, since the investigation commenced, relative to this strait-jacket. I have had the privilege of seeing this strait-jacket myself, but I fear some of the other members of the Committee have not seen it. If it is here, I would like to have it shown; if it is not here, I would respectfully ask that it be exhibited at some future time, that we may see just what it is. It seems to me it is pretty hard to get a fair understanding and judgment of this matter without we have the instrument itself which is used, to obtain it.

Mr. TOMPKINS. I would submit, Mr. Chairman, that I saw this strait-jacket, in company with Captain Davis. It is considerable of a package to bring down here, and I would suggest to my brother Davis that the Committee will have to go up there and examine the boys, and whether it would not be better to look at it up there; it would cost something to bring it down.

Mr. ALLEN. I turst the Committee will let them bring it down. It is so large there is no danger of its being thrown out of a window by accident; it would not, probably, get lost. Then all the Committee will have an opportunity to see it.

Mr. TOMPKINS. I certainly have no objection; I thought that, inas-much as the Committee would have to go up there, they might see it while they were there.

The CHAIRMAN. I presume there would be no objection to bringing it down.

Mr. PRESCOTT. And I would add the suggestion that they bring a gag down.

Mr. TRAIN. And the sweat-box, too.

Q. (By Mr. HYDE.) How long did you say you were there?

A. Sixteen months.

Q. When did you leave?

A. Last October.

Q. How old are you now?

A. Eighteen.

Q. Did you serve out your time?

A. No, sir.

Q. Were you let out before your time was up?

A. Yes, sir.

Q. Now, while you were there,—when you first went there,—where were you at work?

A. In the chair-shop.

Q. And you attended school, too?

A. Yes, sir.

Q. And then, were you promoted?

A. Yes, sir.

Q. Promoted to what?

A. To the hall.

Q. What were your duties there ?

A. To sweep.

Q. General work ?

A. Yes, sir.

Q. Were you promoted from that ?

A. I learned my trade of painting there.

Q. Doing what kind of work ?

A. The work about the institution.

Q. Are you painting now ?

A. No, sir ; because there is nothing to do.

Q. But that is your trade, and what you expect to get a living out of ?

A. Yes, sir.

Q. And you learned it at the institution ?

A. Yes, sir.

Q. Were you allowed any liberties ?

A. I drove ladies to town who went out shopping, and did a good many other things that other boys were not allowed to do.

Q. Were you kindly treated ?

A. Yes, sir.

Q. Well, now, were there any other promotions that you had ? They have there what they call the " tried and true class " ?

A. Yes, sir.

Q. What is that ?

A. It is a class of boys who obey the rules, that have classes, and have weekly meetings, and are allowed to go out alone without any officers going around with them.

Q. These are boys who can be trusted ?

A. Yes, sir.

Q. Did you get into that class ?

A. Yes, sir.

Q. How many are there in that class, or how many were there when you were there ?

A. There were about 12 or 13 when I went in, but after I went in, the boys of the " tried and true " class were generally the first to go home, and so it thinned out.

Q. They were the boys who got out first ?

A. Yes, sir.

Q. They got out first ; they were regarded as the best boys of the institution. Did your " tried and true " class meet together ?

A. Yes, sir.

Q. After the other boys had retired ?

A. Yes, sir. We used to have a subject to debate upon. We used to argue, some on one side and some on the other, and see what we could do at speech-making.

Q. Did anybody meet with you ?

A. An officer used to come in and give us subjects to debate on.

Q. But you had your own debate, in your own way ?

A. Yes, sir.

- Q. Well, now, you had a sort of lyceum by yourselves?
- A. Yes, sir.
- Q. Some one of your number presided?
- A. Yes, sir; we had a president and secretary—that is all.
- Q. How often did you meet?
- A. Once a week; every Thursday.
- Q. How long were your meetings?
- A. About an hour.
- Q. You had a good time?
- A. Yes, sir.
- Q. Now, how many times were you punished there?
- A. Once; that is all.
- Q. That time you think you deserved it?
- A. Yes, sir.
- Q. That was the only time?
- A. Yes, sir.
- Q. Did they have a military company when you were there?
- A. Yes, sir.
- Q. Were you in that?
- A. I was color-bearer.
- Q. Tell us about that company?
- A. We used to go to cattle-shows, and around town, and have a good time generally.
- Q. Did you drill from time to time?
- A. Yes, sir.
- Q. How often did you drill?
- A. Mr. Shepard appointed the days.
- Q. You drilled out of doors?
- A. Yes, sir.
- Q. Did you drill in the winter, or only in the summer season?
- A. Well, I was not there when the military company was got up.
- Q. Well, how often did you drill?
- A. I used to drill perhaps once every 12 days.
- Q. How long at a time?
- A. Just so long as the military instructor saw fit to let us.
- Q. Who was your instructor?
- A. Mr. Armitage, and a boy named Curran.
- Q. You learned the manual, did you?
- A. Yes, sir.
- Q. Did you have muskets?
- A. Yes, sir.
- Q. How many of you formed that military company?
- A. There were about 60 in the company,
- Q. You drilled outside upon the grounds?
- A. Yes, sir.
- Q. Did you used to have social service there?
- A. Yes, sir.
- Q. What was the chapel service?
- A. Prayer and sermon.

Q. By the chaplain?

A. Yes, sir.

Q. Singing by the boys?

A. Yes, sir.

Q. Did you ever have a time when you came together to sing, except the chapel service?

A. There used to be three or four classes: the "tried and true" class, the "first" class, and a "band of hope," and next there was a "Bible class," that used to have different exercises.

Q. What do you mean by exercises? I do not know as I quite understand you. Do you mean dialogues?

A. We used to read pieces to show why we ought to be temperate, and all that.

Q. Well, did you used to have a time for singing there?

A. We used to have singing twice a week; we had singing almost twice a week besides Fridays in the chapel.

Q. Now, in regard to your food there; did you have any substantial food?

A. Well, I don't know. I wasn't used to that, and I didn't like it very well.

Q. Tell us what you used to have.

A. We used to have hash, and the fellows called it "red-head" hash; besides that, we had meat and cabbage.

Q. When you say meat, what do you mean?

A. I mean corned beef.

Q. You say you had beef and cabbage; did you have potatoes with them?

A. Yes, sir.

Q. You always had plenty of bread?

A. Yes, sir; always. Wednesdays, beans; Thursdays, soup; Fridays, fish chowder; Saturdays, beans.

Q. Which of them didn't you like?

A. I didn't like the fish chowders and the soup.

Q. You had enough of them, didn't you?

A. There was always plenty, and always plenty of good bread.

Q. Did you see Dr. Harvey?

A. Yes, sir.

Q. Did you see him in the dining-room?

A. He used to come in and taste the coffee, and look at the tables?

Q. Did you have coffee mornings?

A. Yes, sir.

Q. And evenings?

A. Yes, sir; except in summer; we had water in summer, evenings, and in winter time, coffee.

Q. Dr. Harvey you used to see. Did you see the trustees there from time to time?

A. Every two or three months.

Q. Did you have opportunity to speak to them, if you wished?

A. Yes, sir; I used to speak to them about how I was getting along, and what I intended to do when I got released.

Q. Did they come and talk to you?

A. Yes, sir; they used to come and inquire about me.

Q. They used to come and inquire about you; how you were getting along, and what you expected to do when you got released. Did the officers treat you kindly?

A. Yes, sir.

Q. Did you see any of the trustees in the yard or in the chair-shop walking about among the boys?

A. They always used to go there.

Q. When the boys were out in the yard, did you ever see Dr. Harvey talk with them about their health, or if they had any trouble, talking with them about that?

A. Yes, sir; he used to go up to the hospital and see who was sick, and I supposed he talked with them there.

Q. Did you see him in the yard?

A. He used to pass through there once in a while.

Q. Was Colonel Shepard passing around among the boys often; in different places, I mean?

A. Yes, sir; he used to go around a good deal.

Q. Now, in answer to Mr. Davis's question, a moment ago, you said Colonel Shepard spoke to you a moment ago. What did he say to you?

A. He asked me if I was summoned up here, or came on my own account. Then, after that, Mr. Prescott spoke to me, and he said he was going to have me up before the Committee. Mr. Shepard came over after that, and asked me if I was willing to come up; and I said, yes. I didn't have anything against coming up.

Q. You came here of your own accord. Did anybody ask you about what you would say?

A. No, sir.

Q. You had heard of this investigation, and came in?

A. Yes, sir.

Q. That is all, I believe. One single thing. You spoke, in answer to some questions, about that noise on Sunday. Were you at the chapel?

A. Yes, sir.

Q. Was it a good deal of a noise?

A. Yes, sir; so as to interrupt the sermon.

Q. How long was it continued?

A. Well, as much as ten minutes, and on intervals of five or ten minutes right through the service.

Q. All through the service?

A. Yes, sir.

Q. How long was your service?

A. An hour.

Q. Then, it was at the regular hour of service, was it, when the boys were in the chapel for religious services?

A. Yes, sir.

Q. (By Mr. ALLEN.) How did it happen that while you were in the box suffering you did not speak?

A. Well, I could speak, but I didn't think it would do any good, because no one would come to take me out excepting the officer who put me in. No one else will let you out of the box until the officer comes who puts you in, excepting the superintendent.

Mr. LOWE. That is contrary to what we have been informed.

Mr. HYDE. Perhaps you misunderstand.

Q. (By Mr. HYDE.) When you are put in the box, the man who puts you in is the man who takes you out?

A. Yes, sir.

Q. Suppose that you wanted to be let out while you were in there; if you called, whether they would let you come out and attend to anything you wish to and go back?

A. I do not know; but I have seen boys let out to go to the water-closet.

Mr. HYDE. Yes, and then go back. But what you mean is, that the officer who puts you in was the proper man to discharge you.

Q. (By Mr. DAVIS.) Will you please stand up? [The witness stood up.] Now, when you raised your hand up, as you say, in the box, about how far was it to the top of the box. Could you reach the top of the box by raising your hand up?

A. Yes, sir.

Q. About how high above your head did it extend?

A. About so high [holding up his hand].

Q. About a foot?

A. Yes, sir.

Q. How tall are you?

A. I am six feet, except one inch, in my stocking-feet; I had my shoes on in the box.

Q. Were you then about as tall as you are now? Have you grown any since?

A. I don't think I have grown any.

Mr. REYNOLDS. You think the box is about seven feet high?

Q. (By Mr. HYDE.) Did you go up to Shrewsbury at any time with the military company?

A. Yes, sir.

Q. That was in the autumn?

A. Yes, sir; I believe it was in October.

Q. How far is it up there?

A. Seven miles.

Q. What did you do up there that day?

A. We paraded with the companies that paraded up there at the cattle-show, and went around, and saw the poultry.

Q. Did you break ranks?

A. Yes, sir.

Q. Visited whatever you wished to. Did you go into the church?

A. We went in there, and heard the reports of the committees on the different articles.

Mr. ALLEN. There is one gentleman whom I see in the audience, and, if you will allow me to call him, I would like to ask him two or three questions.

The CHAIRMAN. Is it in the line of the testimony we are now taking?

Mr. ALLEN. I think it is. I refer to Mr. Russell, who was the executive officer of the school ship, and I desire to ask him a single question concerning the matter of punishments.

The CHAIRMAN. You are aware of the method which we have adopted of referring all such matters to Mr. Hyde and yourself.

Mr. HYDE. I shall not object, since it is to be very brief.

DANIEL RUSSELL—*Sworn.*

Q. (By Mr. ALLEN.) You are the agent for the Society for the Aid of Discharged Convicts?

The CHAIRMAN. What is Mr. Russell's name?

Mr. RUSSELL. Daniel.

Q. (By Mr. ALLEN.) Mr. Russell, you were executive officer of the school ship for six years, and you have had occasion for a number of years to visit the state prison at Charlestown?

A. Twelve years.

Q. Will you state whether there is anything in the way of punishments in the state prison since your knowledge of it?

A. I have never heard of any such thing.

Q. Do you visit it frequently?

A. Three or four times a week.

Q. Are you able to say there is nothing of the kind there?

A. There is not.

Q. Will you state whether, in the discipline of the state prison, prisoners are ever flogged for any offence?

A. They are not.

Q. How many prisoners are there?

A. About 795 now, I think.

Q. They are kept in the work shops, many of them?

A. They are.

Q. And there is no trouble with the discipline there?

A. No, not that I know of.

Q. Was there any sweat-box on board the school ship while you were executive officer there?

A. There was not.

Q. Whether there was any flogging there of the boys?

A. There was.

Q. How was it administered?

A. With a rattan and with what is called a cat. Sometimes it would have been impossible to have got along without some punishment.

Q. (By Mr. TRAIN.) I would like to have you explain the cat. Will you answer that question?

A. It was a cat made of rope-yarn.

Q. Of a dozen different strands?

A. Three.

Q. Equal to about three straps?

A. No, sir; but taking three strands.

Q. Each blow makes three marks?

A. Yes, sir, if put on hard enough.

Q. Was there anything like a strait-jacket used in the state prison during your connected with it?

A. No, sir.

Q. Have you known persons to be gagged there?

A. Not to my knowledge. I could not answer on that point, sir.

Q. (By Mr. HYDE.) You were on the Massachusetts school ship?

A. Yes, sir.

Q. You said it would have been impossible to have maintained discipline without the punishment of a portion of the boys? And you had a cat, and what else?

A. A rattan.

Q. How did you used to punish with the cat?

A. Across the back, low down, or across their seat.

Q. With their coat on?

A. With their trousers on.

Q. Who had charge of the punishing?

A. Different officers under whom the boys were at the time.

Q. What other punishment did you have besides the rattan and the cat?

A. Two cells for solitary confinement.

Q. What was solitary confinement on the school ship?

A. There were ten cells built on purpose.

Q. Light or dark?

A. A little light over the top, and well ventilated.

Q. Were they warmed in any way?

A. They were on the lower deck, so they were never cold in the coldest weather.

Q. Any artificial heat?

A. No, sir.

Q. What other methods beside flogging and solitary confinement did you have?

A. Sending aloft and keeping them there an hour or two as occasion might require; and if they were found with tobacco the punishment was to keep them without their duff; that is, their pudding, until it was considered they had been sufficiently punished.

Q. Any other punishments there?

A. No, sir.

Q. Were they ever assigned to any especial work?

A. They were sometimes compelled to do what we call scraping down the topmast.

Q. Or rubbing down the decks?

A. No, sir; not rubbing down the decks, but scraping down the topmast.

Q. Now, in regard to the state prison. What are the punishments at the state prison?

- A. Solitary confinement, I think.
- Q. Now, will you describe one of the cells ?
- A. No, sir ; because I cannot.
- Q. Did you ever see one ?
- A. I have been into one.
- Q. Why can you not describe it ?
- A. I do not know as I took particular notice enough.
- Q. Was it a dark cell ?
- A. Yes, sir.
- Q. They are not allowed to speak ?
- A. No, sir ; there is no one to speak to them.
- Q. What is in the cell when they are there during the day ?
- A. All I have seen is just two blankets.
- Q. No bed ?
- A. No, sir.
- Q. Now, what is put in there at night for them to sleep upon ?
- A. I think a plank.
- Q. You understand a plank is shoved under the door ?
- A. No, sir ; it is put in there.
- Q. What sort of a door is it. The same as at all cells, an open iron door ?
- A. Yes, sir—no, a solitary cell is not open ; there is a ventilator to it.
- Q. That is at the top ?
- A. Yes, sir.
- Q. Now, what is the door of the solitary cell ?
- A. Iron.
- Q. Is it solid ? You know most of the cells have iron gratings. This I think is not a grating, but a solid door ?
- A. Yes, sir.
- Q. It is a dark cell with a solid door, and furnished with ventilation ?
- A. Yes, sir, the ventilation furnishes light.
- Q. Well, is it so they can read in there ?
- A. I do not know, sir.
- Q. What would you say about it ?
- A. From the place where they were located, I should not think they could.
- Q. Now, for how long a time are they confined there, as a punishment ?
- A. I do not know, sir ; I am not acquainted enough with the discipline of the prison to tell you ; my business is outside of the prison.
- Q. I understand, but I asked you this question to save calling some one else, as it is a question which will come up. Now, when you had the school ship, you had the boys so they could not run away ?
- A. No, we had boys run away.
- Q. Many ?
- A. Sometimes a boat's crew, six or eight at a time.
- Q. They did not take the chance of jumping overboard, therefore you were not troubled with their running away, except by their stealing a boat and coming to town ?

A. No, sir.

Q. Now, these boys you had there were sent to the Reform School?

A. I presume they were. I was not attached to the school ship when it was broken up.

Q. Without severe discipline and constant discipline for that class of boys, could they be carefully instructed and taken care of?

A. A portion of them. As soon as they began to send burglars and housebreakers, and those that attempted to commit rape, we had to have severe discipline.

Q. With that class of boys, is there any way you can get along without severe discipline?

A. No, sir; there is not.

Q. Is there any worse age of life to take care of persons properly and restrain them, than the age of 18 to 21, in the worst class you have spoken of?

A. You want me to speak from my present experience, up to and within the last twelve years?

Q. Yes, sir; from your present experience.

A. The worst class of men I have to deal with are from 18 to 24.

Q. (By the CHAIRMAN.) Will you not put it from 17 to 21?

A. From 17 to 24.

Q. Well, is it not regarded that what are called the older professionals, from policy when once in the hand of officers, will behave the best?

A. The oldest and best burglar in the world makes the best prisoner; he behaves the best while in prison.

Q. And the class of persons most difficult to manage are those from 17 to 24?

A. Yes, sir.

Q. Do you think the State can take care of such a class of boys without severe discipline?

A. I do not.

Q. Were you able to get on on board the school ship with all the boys without sometimes using corporal punishment?

A. No, sir; after trying every other method, by whipping him with the rattan or a cat we secured the desired effect.

Q. (By Mr. PRESCOTT.) Upon the school ship, were subordinate officers allowed to punish boys without reporting the punishment?

A. Yes, sir.

Q. Were punishments recorded?

A. No, sir.

Q. Are punishments at the state prison recorded?

A. I do not know, sir.

Q. Are any punishments resorted to at the state prison which cause physical pain?

A. I do not know, sir. All I know is, that they have solitary confinement on bread and water, and I think it is all the punishment there is at the state prison.

Q. Do you know that subordinate officers are allowed to punish according to their own discretion?

A. I do not think they are, sir.

Q. (By the CHAIRMAN.) Is there not a very different method of discipline on the school ship or at the State Reform School than at the state prison?

MICHAEL SHEA—*Sworn.*

Q. (By the CHAIRMAN.) When did you go the State Reform School?

A. Four years ago next July, between the 17th and the 25th.

Q. That was in 1873. When did you leave?

A. I left in April, 1875.

Q. How old were you when you left school?

A. I was 17.

Q. You were 14 when you went there?

A. I was about 15.

Q. Did you ever have any trouble with the officers of the school while you were there?

A. I did, once.

Q. What was the trouble?

A. When I was there about three or four days, I turned into line, and another boy passed up and struck me. I got out of the line, and struck him, and the superintendent saw me and took me into the bath-room and gave me four licks on the hand. He asked me if I thought I had enough, and I told him yes, sir.

Q. Was that the only trouble?

A. That was the only trouble, except once, I was put in the lodge for something I did in the chair-shop. I know I was put down there three or four days.

Q. Did you think, when you were punished in the lodge or by the superintendent, you were punished too severely?

A. No, sir; nothing too severe for what I did.

Q. You were treated well in the State Reform School?

A. I was.

Q. Did you have an opportunity to converse with the superintendent frequently?

A. Yes, sir.

Q. If you had been treated unkindly, you would have gone to the superintendent and trustees about it?

A. I would; yes, sir.

Q. Did you know of boys being badly treated in the Reform School?

A. I did not know of any treated any worse than what they ought to be.

Q. No matter what you know since; but while you were there, you did not know of a boy's being treated any worse than you thought he ought to be? Do boys behave pretty bad while they are there?

A. Yes, sir.

Q. And they are punished for it severely?

A. Just according to the crime they commit.

Q. Did you ever know a boy punished more severely than you thought he ought to have been?

A. No, sir, I did not.

Q. You knew of a good many boys that were punished?

A. Yes, sir.

Q. Do you think they were made better?

A. Some of them were, and some of them were not. You might punish some of them all day long, and they would not do any better.

The CHAIRMAN. I suppose that is so.

Q. (By Mr. ALLEN.) How severely did you know of a boy being punished while you were there?

A. With 4, 5, 10, and 15 straps.

Q. Have you ever seen boys with marks on their persons where they have been punished?

A. I have seen them with marks on their hands.

Q. With marks on their backs?

A. No, sir, I never did.

Q. (By Mr. PRESCOTT.) What time did you leave there in 1875?

A. April 25.

Q. Did they have the sweat-box in the institution while you were there?

A. The sweat-box had not been put into the institution; I only heard of the sweat-box.

Mr. PRESCOTT. I believe it was put in during that month, — April, 1875.

Q. (By Mr. ALLEN.) Who have you seen in relation to coming up here?

A. I have not seen anybody, sir; but I read of the investigation going on in this room, or in the State House. I work out at Cambridge, and have worked there since I left the institution. I got treated very kindly while I was there, and I sent in a postal-card requesting the superintendent to come out and see me, and he came out.

Q. You talked with him about this matter?

A. He never asked me about coming in unless I wanted to.

Q. You talked with him about coming in?

A. Yes; I told him I would like to come in and speak a good word for him and for the institution.

Q. What did he say?

A. That is all; he asked me how I was getting along and he found out by seeing my employer. I do not know as he found out anything bad about me.

Q. (By Mr. DAVIS.) How long since you came out of the institution?

A. I have been out two years, coming April.

Q. What is your age?

A. I was 19 this last January.

Q. How did you get out?

A. By good behavior.

Q. And through the trustees?

A. Through the trustees and the superintendent; my mother got a place where I could serve my time and learn my trade.

Q. You have behaved yourself well since you came out?

A. Yes, sir.

Mr. DAVIS. I would like to ask this question: Whether or not they understand if they do not behave themselves properly they are liable to be returned there?

The CHAIRMAN. There is no objection to that question.

Q. (By Mr. DAVIS.) You know you are out on probation?

A. Yes, sir, I do.

Q. You understand the condition you are out on?

A. Yes, sir.

Q. That is, if you do not behave yourself properly, you are liable to be returned?

A. Yes, sir.

Q. Well, that is not the motive of course that prompts you to do well?

A. Well, it is because I want to do well that I want to see if I cannot be somebody.

Q. (By Mr. HYDE.) You sent this note to Colonel Shepard?

A. Yes, sir.

Mr. HYDE. I will just read it [reads]:—

“Please call at No. 258 Mount Auburn Street, at the granite and polishing works of Scorgie, Wight & Co., before you go home. I should like to see you on business.

“Yours truly,

“MICHAEL SHEA.”

[To witness.] From what you saw in the papers, you sent for him?

A. Yes, sir.

Q. You were up there February 15th, 1876?

A. Yes, sir.

Q. Do you think you have been better since? Were you promoted while you were in school?

A. Yes, sir. I was put in the cane-shop first. I was in there about six months, and was cane dealer. From that Mr. Armitage, I think, recommended me to a place in the barn. I was third fellow when I went out there. I worked up from third to first; that is, the first boy in the barn. I was a boy at the barn one year and about six weeks.

Q. You never were punished but once?

A. I never was punished but once. I was in the lodge once.

Q. What was that for?

A. I do not know what it was for. I was in four or five days.

Q. Did you belong to any of the bands that have been spoken about?

A. I did not. At that time it was just about started. I belonged to the base-ball club.

Q. Were you allowed to play base-ball?

A. Yes; I played the biggest part of the year 1874, and travelled around.

Q. How many in your club?

A. Ten.

Q. Were you uniformed?

A. Yes, sir.

Q. Where did you get it?

A. I believe Mr. Shepard and his wife got the pants and shirts for us, and the stockings and shoes and, I believe, the caps, were made a present to us by Colonel Lyman of Boston.

Q. You had a good time?

A. Yes, sir.

Q. You think, as far as you are concerned generally, you were kindly treated and not punished any more severely than you ought to have been?

A. No, sir.

Q. Did you ever come into town and see any ball-playing?

A. Yes, sir; I went to Worcester. I think Mr. Clark and Mr. Hodgkins went with us.

Q. Did you go to play, or to see?

A. We went to see a game between the Bostons and Athletics at the Worcester driving park.

Q. So you enjoyed many privileges of one kind and another?

A. Yes, sir, we did.

Mr. HYDE. It is about 20 minutes of 1, now, I think; I have no other questions to ask.

The CHAIRMAN. I would like to inquire of Mr. Allen and Mr. Hyde if they cannot meet us at half-past 9 o'clock in the morning. We cannot get much time if we commence so late, because the House now assembles at an earlier hour.

Mr. HYDE. Do you mean to go on with the examination?

The CHAIRMAN. Yes, sir.

Mr. HYDE. It makes no difference what the hour is, except that I am liable to be called out. I have three or four cases on the short list and one on trial, that I cannot regulate.

Mr. ALLEN. I am liable every day to be called out, but will come in when I can. The hour is just as convenient as 10 o'clock.

The CHAIRMAN. I think the Committee will consider it expedient to adjourn until half-past 9 o'clock to-morrow morning.

Adjourned.

SEVENTH HEARING.

THURSDAY, April 5, 1877.

Senator DENNY in the chair.

The CHAIRMAN. We will proceed, if Mr. Hyde and Mr. Allen will agree who they will call.

Mr. H. L. Chase, Mr. Leach Clark and Mr. E. H. Rice were called and sworn.

Mr. HYDE. Mr. Rice, you may take the chair.

Mr. PRESCOTT. I suggested yesterday that Mr. Gartland, the father of the boy who committed suicide at the Westborough Reform School a year ago last January, should be summoned. I supposed he would be here to-day. I know that he has sent notice to a member of the Legislature from his district, that he would like to be heard, and would like to be here, as I stated, whenever the examination of the matter concerning the punishment of his boy was to take place before the Committee. I supposed he was to be here; and I understand the secretary that it was not thought best to notify Mr. Gartland to be here to-day. If that is the case, I should hope that the testimony in regard to the punishment and suicide of the Gartland boy might not occur to-day, as there are two other witnesses whose testimony will take considerable time.

The CHAIRMAN. Mr. Hyde, will you proceed? As the father was not at the school, I think we had better go on with the examination of Mr. Rice; the evidence is all printed, and he can see it at any time.

Mr. ALLEN. Perhaps this will take up time, and I had just as soon commence with Mr. Chase or Mr. Clark.

Mr. PRESCOTT. I think, in justice to the boy's father, it would be better.

Mr. SANBORN. I understand Mr. Rice can be present this week, as he has a vacation of the school of which he is master, and I do not know that he could be here next week; is that so?

Mr. RICE. Yes, sir.

The CHAIRMAN. Then I think we shall have to go on.

Mr. PRESCOTT. I understood, yesterday, that Mr. Gartland and another person, who went to the institution at the time Gartland was found dead there, were to be notified to be here to-day; I certainly so distinctly understood it. The secretary, in fact, told me so yesterday, and tells me this morning that the Chairman did not think it best to notify Mr. Gartland to be here to-day; but it does seem to me that, as this testimony in regard to the punishment and suicide of the Gartland boy is coming up to-day, it is no more than fairness and justice that this testimony should be delayed until the father of the boy is present. I have never seen the man,

but he desires to be present to hear this evidence, and, I believe, to come before the Committee and give some testimony.

The CHAIRMAN. I would like to state now, with reference to this matter. Mr. Prescott says that he understood this gentleman was to be notified. The only time it has ever been considered at all was after our adjournment yesterday. Mr. Prescott said he had requested the secretary to notify Mr. Gartland to appear here to-day. He did not confer with the Committee about it at all. Now, the testimony with reference to the suicide of the boy Gartland has been through with by a number of witnesses already. I have not the slightest objection to the father's being here, but still I think that the father's being here, and hearing what is said, is of very small consequence compared with our having the strict facts in the case ourselves. It was mutually agreed between Mr. Allen and Mr. Hyde yesterday, when they met for that purpose, that Mr. Rice and Mr. Clark and Mr. Chase should be here to-day to be examined. I therefore told the secretary he had better wait until to-day, until these gentlemen had testified, and make some further arrangements with reference to Mr. Gartland, whether he would appear here at all as a witness or not. I say again, if Mr. Gartland is not a witness to give us testimony with respect to facts that have occurred at the institution, it is altogether of secondary importance whether we hear from him at all or not. Gentlemen will please proceed with the investigation.

Mr. PRESCOTT. Before the gentleman proceeds, I wish to know, Mr. Chairman, when the secretary told me yesterday afternoon that he would summons Mr. Gartland to be here to-day, by whom and why that summons was stopped?

Mr. ALLEN. I was about to say, Mr. Chairman, that when we made the arrangement for these three witnesses, it was understood that Mr. Gartland should be summoned. It was stated, I think, by the secretary, certainly by Mr. Prescott, in his presence and without his disapproval, that Mr. Gartland was to be here. I only suggest, Mr. Chairman, that in the examination of those persons who know all about poor Gartland's death, that the father might be able to suggest some important questions.

The CHAIRMAN. I have not the slightest objection.

Mr. ALLEN. We have not yet had the testimony of any person who saw the transaction. Now, I understand a gentleman is here and saw whatever was done. If we can go on in our hearing to-day, Mr. Rice can be here to-morrow morning, and Mr. Gartland can be here too.

The CHAIRMAN. If I can have the address of Mr. Gartland, I will send an officer for him at once.

Mr. HYDE. If you will allow me, I will ask a few questions as to whether Mr. Rice can be here after to-day.

Q. (By Mr. HYDE) Mr. Rice, where are you residing?

A. At Shrewsbury, Massachusetts.

Q. What is your occupation?

A. I am a teacher.

Q. Of what?

A. Of the high school.

Q. Is it vacation now?

A. Until next Monday.

Q. Is there any other teacher there?

A. No, sir.

Q. You are the only teacher, and have charge of the high school?

A. Yes, sir.

Q. How many days have you been here?

A. I have been here one day.

Q. Monday?

A. One day.

Q. Have you not been here more than one day?

A. I was here last Friday. I have been here one day this week.

Mr. ALLEN. Where is Mr. Gartland, Mr. Hyde?

Mr. HYDE. I do not know.

Mr. SANDERSON. Mr. Chairman, I would like to state I made out a summons to hand to the sergeant-at-arms for Mr. Gartland.

The CHAIRMAN. By whose request?

Mr. SANDERSON. At Mr. Prescott's, but in consultation with the Chairman, he suggested that arrangements had been made for the examination of three witnesses to-day, and he thought best to defer it until consultation with the Committee. That is the reason I have it in my hand.

The CHAIRMAN. That is the whole story. Where does the father live?

Mr. SANDERSON. At 33 Joiner Street, Charlestown.

The CHAIRMAN. He can be sent for. If the counsel mutually agree, I will send for him at once.

Mr. HYDE. Let me ask one other question; does the Committee sit to-morrow?

Mr. CHAIRMAN. I think we shall adjourn until Monday next.

Mr. HYDE. Then we shall call Mr. Leach Clark, and later, if Mr. Gartland can be found, we can call Mr. Rice.

Mr. ALLEN. I ask that the officer may be authorized to take a carriage.

The CHAIRMAN. [To the Messenger.] Tell the sergeant-at-arms that we want that man here as soon as we can have him. [Giving the messenger a summons.]

Mr. LEACH CLARK—*Sworn*.

Q. (By Mr. HYDE.) Mr. Clark, what is your full name?

A. Leach Clark.

Q. Where do you reside?

A. At Rowley.

Q. What is your occupation?

A. A farmer.

Q. Were you at the Westborough Reform School?

A. I was.

Q. How long was you there?

A. Twenty-two months and five days.

Q. Leaving when?

A. July 14th last.

Q. Now, in what capacity were you there?

A. The first four months as second watchman, remaining all the time as hall and yard man.

Q. Now, as a watchman, what were your duties?

A. To take charge of the sleeping-hall at night, and to see that order was preserved, and that the boys behaved themselves as they should do?

Q. Now, as to the course taken in the night, as a watchman what was under your personal charge?

A. What is called the east hall,—the lower department.

Q. Of how many corridors does that consist?

A. Three corridors, and a number of berths.

Q. All on one floor?

A. The corridors are one above another.

Q. In the night, where were the boys in your department—how were they kept?

A. The dormitories, as they are called there, were nearly all occupied; they were generally occupied; the remainder of the boys were placed in the berths?

Q. These dormitories entered into the corridors?

A. Yes, sir.

Q. Now, they were put in at night, and the doors fastened?

A. Yes, sir.

Q. Now, were the corridors all lighted?

A. There was one light left burning in the hall.

Q. In each hall?

A. No, sir; in the hall.

Q. What were your duties in the night, as watchman?

A. In the first place, when the boys went to bed, to see that quiet was preserved, and everybody remained in his berth unless he had occasion to get up and go to the water-closet, or something else of that nature,—some necessary reason for his getting up. Then, during the night, to see that the boys remained in their berths, and did not double up.

Q. Now, as to the dormitories?

A. To see that order was preserved in the dormitories?

Q. Was it your duty to keep awake nights?

A. I was supposed to be in the hall all of the time, with the exception of one time, when I made a tour of the whole building.

Q. Once in the night you were supposed to go over the whole building?

A. Once in the night the first watchman had to go over the whole building, and the rest of the night I was supposed to be awake and on duty. Every twenty minutes I had to make a tour of both halls; during the first part of the night the first watchman made it, and the latter part of the night the second watchman made it.

Q. During that part of the night you was in that part of the building?

A. Yes, sir; in the two halls that were separated by a long entrance.

Q. Now, after you ceased to be watchman, what were your duties as hall and yard man?

A. A general oversight of the sleeping-hall, the yard and the bath-

room; I had general charge of the lodge, and boys placed in there were under my charge.

Q. That you continued until you left. Now, in respect to the lodge; was there anybody having immediate charge of the lodge, or did you have all the charge of the lodge while you were there?

A. Well, there was a boy that did the work.

Q. That is, you had charge of this lodge when you were there, with the exception of a boy under you?

A. Except when I was away, of course.

Q. There was no other employé?

A. No, sir.

Q. Now, you may tell us with regard to the lodge.

A. The lodge is comprised of fourteen cells, divided into three rooms under the chapel. One of these cells had a closed door; the rest were all open doors. The boys were placed in there for different misdemeanors, such as bad conduct during school hours or during work hours, and were kept there until they showed signs of penitence and a willingness to return to their duties and perform them properly.

Q. Now, in bringing boys to the lodge, who brought them?

A. The officer who committed them.

Q. When they were brought to you, were any instructions given to you, or was anything said how long they should stay?

A. No, sir; I found them there, and took care of them while they were there.

Q. Now, as to the care they received when in the lodge?

A. They had provisions made in the cell for the wants of nature, and every morning and night they were fed on bread and water.

Q. Who had charge of the feeding of them?

A. I did, sir.

Q. How were the cells ventilated?

A. They had open-grated doors, and the windows on the outside were generally open.

Q. Was the lodge kept warm in the cold season?

A. It had a large steam-coil running through it, so it had a comfortable temperature. It was a coil running through the whole length of all the rooms. Now it has a steam-pipe in place of the coil.

Q. Now, at one time, Goss, Turner and Quinn ran away, I believe?

A. Yes, sir.

Q. Now, they were in the lodge?

A. Yes, sir.

Q. Tell us what you know about them.

A. The whole story?

Q. Yes, as far as you know about it.

Mr. ALLEN. I would rather the man would testify from recollection.

WITNESS. I cannot testify entirely from recollection; I cannot give these dates; I have copied them from my diary, so that I may testify correctly in regard to this matter. I am perfectly willing anybody should inspect the paper as much as they have a mind to.

Mr. ALLEN. Mr. Chairman, may I ask one or two questions in relation to this paper before he uses it?

The CHAIRMAN. Yes, sir, if Mr. Hyde does not object.

Mr. HYDE. I do not see that there is the least objection to the paper, under any circumstances,—so fire away.

Q. (By Mr. ALLEN.) Is this your handwriting?

A. It is.

Q. Why did you write down there sweat-box, height of the box, etc.?

A. Those were the notes I took during the examination of Mr. Hinckley.

Q. Here?

A. Yes, sir; in this room.

The CHAIRMAN. This witness was before this Committee a month ago.

Mr. CLARK. I will say, from the fact that I was before this Committee a month ago, I took pains to examine my diary in regard to this Goss, Turner and Quinn matter, because it was a matter into which I had not gone before, and I wished to be prepared to state positively what I knew in regard to the matter.

Q. Why did you write out here, "cause of Gartland's suicide,—to-bacco, rum, etc."?

A. No, that is not entirely copied from my diary; I will not say that.

Q. Why did you write, "Gartland was not usually strapped on the back"?

A. That was something brought to my mind from the examination of other witnesses.

Q. Why did you write, "the superintendent always opposed the punishment of the large boys with the strap"?

A. Because I knew it to be a fact.

Q. Why did you write it?

A. Because I wanted it down there; there was no reason in the world, except that.

Q. Why did you say here: "I do not believe Chase ever told any one"?

Mr. HYDE. I do not think this of any value at all. A man has a right to make such a memorandum.

Q. (By Mr. ALLEN.) Has Colonel Shepard seen this?

A. No, sir; he has not.

Q. Nor any officer of the institution?

A. I do not think any one has.

Q. Will you swear you have not shown that to some of the officers, and talked with them about it?

A. I have no recollection of showing it to any officer of the institution.

Q. Have you not shown it to Dr. Harvey?

A. I do not think I have.

Q. Did you not talk with Dr. Harvey about it?

A. No, sir. I may have told him I had got the facts in regard to the Goss, Quinn, and Turner matter.

Q. Did you not have this present when you talked with him?

A. I do not remember that I talked with him any particular time.

The CHAIRMAN. Is it material?

Q. (By Mr. ALLEN.) Have you not told him you had these minutes?

A. I presume I have.

Q. Do you not remember it? Did you not have them with you at the time?

A. I presume I did.

Mr. ALLEN. I do not know as I can prevent his using them.

Mr. HYDE. No.

Q. (By Mr. HYDE.) Now tell me about Goss, Turner, and Quinn?

A. On the fifth of March last—

Q. Do you mean a year ago?

A. A year ago the 5th of March, 1876, Quinn was seen in his dormitory Sunday morning, and when I did the hall-work, I left the door of his dormitory open negligently. Afterwards Goss and Turner were confined in the dormitories, I heard by orders of the superintendent. I know nothing only as I have heard. Quinn was very sick and he was allowed to stay in the dormitory during the day. Goss and Turner were confined in the dormitories for some misdemeanor. After chapel in the afternoon, as the boys were passing out,—my station was in what is called the watchman's entry across the line,—I saw that the door was closed to the west hall. I stepped out as the line was passing; saw the superintendent had been out there. I saw the floor covered with stuff, and looking further into Turner's dormitory, I saw that he was gone. I said to Mr. Armitage, "Look here, what is this?" Said he, "It is squawkers." Immediately Col. Shepard was on the spot, and all the officers that could be spared were sent in pursuit. Mr. James W. Clark and myself struck on their track, as there was a light snow on the ground, and followed them over hill and dale until we struck the railroad track, and followed right on the track. In the meantime three other officers took teams and went on the road, crossing the railroad as often as the road crossed it. Mr. Clark and I followed along the railroad, and the others followed up with the teams, and found them first, and took them back. Quinn was taken to the hospital and cared for somewhat,—by the way, Quinn had given out on the road and sat down, and could not go any further. There the three boys were placed in the lodge, and the clothes of Goss and Turner were taken from them. Quinn remained in the lodge until March 11—six days; then he was taken out; that was the last of his being in the lodge for that offence. Goss remained in the lodge until April 11, and he was taken out; it was five weeks and two days from the time he was put in. Goss and Turner were supplied with coffee at their meals, instead of water, March 15, and were given as much bread as they wanted to eat. March 17, Col. Shepard came to me in the morning; it was the day succeeding the meeting of the trustees,—I was at work in the hall,—and he said, "Mr. Clark, come with me." We went into the lodge, and Col. Shepard told the boys that he had got sick of having so much disturbance down there,—the disturbance they had been making was loud talking, laughing, singing, and hallooing, so that the people passing along on the walk outside of the building could hear them.

Q. Were the boys allowed to talk when in the lodge?

A. Quietly, if they made no disturbance. Col. Shepard said that he proposed to give them coffee and bread at their meals. I do not remember whether he said anything about meat at that time or not. The ordinary ration in the lodge was meat once a week. I had instruction from Col. Shepard to give these boys meat twice a week. He said nothing about the quantity I was to give them, but I did give them a generous supply. He admonished them, as I said, in regard to their making a noise, and told them what they would receive in the way of treatment and good food, if they kept quiet. The boys did not appear to pay much attention to it, until Sunday morning, April 2d, Col. Shepard came down there while I was feeding the lodge boys, and remarked that Dr. Harvey had reported to him that he had heard considerable profanity and loud talking in the lodge as he rode up from town; and that also during the night some person had reported to him that there had been a good deal of noise in the lodge; and he admonished them again in regard to making this noise. That forenoon, during the chapel service,—I was not in the chapel; I did not usually go into the Sunday school; my whole duties kept me busy, so I did not have time to prepare myself,—I heard after chapel that there had been considerable disturbance in the lodge during the chapel service. I took a carriage, and took the chaplain, Mr. Estey, to the village. As I came back, I saw that the hose was strung across the walk. I stopped my horse, hitched him, and went in. I asked, "What is the matter; have you been having a fire?" They said, "Guess not much." Some of them made a remark like that, and I passed along into the lodge; I found they were just taking the boys from the lodge. I do not know as there were any except Goss and Turner that were passed up then. They were taken upstairs to the fire, which was in the watchman's entry, and given towels to wipe themselves with, and an opportunity to dry themselves; then they were put into the dormitory. After they had been taken care of, I went down into the lodge and found that Colonel Shepard was giving the boys a bath,—those that remained in the lodge. I cannot state positively now how many boys I saw the water applied to, although I stated when before the Committee before that I only saw it applied to one; I may have seen it applied to more than one, but I cannot state positively.

Q. See if I understand you. If Goss, Turner, and Quinn were in the lodge—

A. Quinn was not in the lodge at this time.

Q. Goss and Turner had been punished in your absence; they were taken out and cared for?

A. Yes, sir.

Q. When you came back, the hose was applied to one or more others in the lodge?

A. Yes, sir.

Q. Do you remember whether there were any more than one in the lodge?

A. Yes, sir; there were a number more.

Q. Do you remember who they were ?

A. Yes, sir ; I can give the names.

Q. Well, give them if you can ?

A. Watson, Fugh, Turner, Crowley, McFeeley, Kenney, Goss and Kelley. After the water was applied to them they were taken out, one or two at a time, their clothing was changed, and they were given warm drink ; two of the boys were placed in a strait-jacket. We had no more strait-jackets, and that is the reason no more were placed in them. Straps were put in their mouths, and fastened behind their heads.

Q. Explain that strap which was yesterday called a gag ?

A. It was a small strap—a skate strap, I presume—which was placed in their mouths and fastened behind their heads ; that is all there was of it.

Q. That was all that what was called the gag consisted of ?

A. That is all it consisted of, sir.

Q. Now is there anything more in connection with these boys that you know of ?

A. Well, Goss and Turner made some threats, as I was informed, or Goss did, not Turner ; Goss made threats, as I was informed.

Q. (By Mr. ALLEN.) By whom ?

A. By Col. Shepard, I think,—against any man that would undertake to put him into a strait-jacket. The next morning—

Q. (By Mr. HYDE) By the way, who were the two boys put in the strait-jacket ?

A. I do not remember, but it was not either Goss or Turner ; I do not remember that. The next morning, Col. Shepard told me to put Goss into a strait-jacket, and to put a strap in his mouth. I walked up to the dormitory with the strait-jacket, and held it up, and said, “ Come, Goss, put on your coat, I guess you are getting cold by this time, are you not ? ” And he immediately put his hands into the strait-jacket, and said nothing. I put the strap in his mouth, put him in bed, and covered him up. He remained there some days ; I cannot remember how many. He was put in every day, and taken out at night, and fed night and morning the same as in the lodge.

Q. Well, while he was in the strait-jacket you had charge of him ?

A. Yes, sir.

Q. Was the strap kept in his mouth all the time ?

A. No, sir.

Q. All the time he was in the strait-jacket ?

A. No, sir.

Q. You say you put the strap in his mouth ; how long did you continue the strap there ?

A. Perhaps two days ; I will say two days.

Q. How long did you keep the strait-jacket on him, as near as you can tell ?

A. From ten to twelve hours a day.

Q. I mean, how many days ?

A. Three or four days.

Q. Now, do you know anything about that boy Goss? What became of him, do you know?

A. He was transferred to Bridgewater.

Q. How long after this?

A. I do not know whether I have that or not.

Q. Well, was it before you left?

A. Yes, sir.

Q. He was transferred to Bridgewater before you left; what sort of a boy was he?

A. Well, he was a boy as large as I am, nearly; perhaps not as heavy, but as large; very muscular, and one of the finest built specimens of humanity I ever saw.

Q. What became of Turner?

A. Turner was transferred to Bridgewater.

Q. What sort of a boy was he?

A. He was a tall and small boy.

Q. Well, did he make other trouble than this?

A. He was in trouble all of the time.

Q. He always made trouble?

A. Yes, sir.

Q. Did Goss make trouble, other than this?

A. Not very much, generally, I believe.

Q. What became of Quinn?

A. Quinn was there when I left the institution.

Q. He was sent into the hospital, was he not?

A. No, sir; he was carried into the hospital and cared for, and then put into the lodge, and kept there six days.

Q. Now, is there anything more about these two boys you want to say? Is there any fact you want to give about these two boys; if so, give it to us?

A. Nothing more than that Turner was kept in the lodge nine weeks, and six weeks of that time he had no clothing except his shirt.

Q. How about the bed-clothes that were furnished them?

A. While they were without their clothing they kept them during the day; they were not taken from them in the morning, as they were from other boys. Twice a week, and sometimes oftener, I changed that bedding, so that there could be no trouble from that source.

Q. Well, now, they had sufficient bedding to keep them warm?

A. Yes, sir; they had extra bedding; more than other boys who were not in the lodge.

Q. Why was their clothing taken away from them, and bed-clothing substituted to keep them warm?

A. I suppose if they got out again they would have to go without their clothing; that is all the reason I know. It would prevent them from wanting to go very far into the country.

Q. How did they get out the time you have spoken of,—this third time?

A. I did not say anything about it, because I was not positive of my own knowledge.

Q. I mean from the appearances ?

A. From the appearances, they burst open the door of the dormitory ; one board was all smashed to pieces in one door, and another was just sprung so that the bolt came out by the lock ; then they got into the upper corridor, where there had been a small hole in the ceiling, and they worked that open large enough to get up through it into the attic, and then went through the skylight on to the roof and down outside.

Q. The doors of the dormitories were broken open, and they made their escape in that way ?

A. Yes, sir.

Q. Now, in answer to some questions, you have said something about the Gartland boy. Suppose you tell us what you know about that ?

A. I know nothing about the Gartland affair, from the fact that I was not in the institution at the time he committed suicide. I was at home on a vacation. I knew the Gartland boy well.

Q. Well, tell us what you know about the boy ?

A. I know he was a boy of very changeable disposition. Sometimes he would be very morose and melancholy, and at other times he would be rampant,—ready to fight anything, or anybody, or everybody.

Q. How old a boy was he ?

A. I know nothing of my own knowledge.

Q. I mean from general appearance ?

A. From general appearance, he might be anywhere from 17 to 20.

Q. Do you know what he was up there for ?

A. The records of the institution, I think, report that he was committed for being a common drunkard.

Q. That is, he had been very intemperate ?

A. Yes, sir ; that was the case.

Q. Now, in regard to his general physical condition,—whether his habits in the institution were good ?

A. He was a hunchback.

Q. I mean his habits ?

A. His appearance was that of a person who practised masturbation,—very much so.

Q. And he was committed for that cause ?

A. Yes, sir.

Q. What was that cause ?

A. I said he was committed as a common drunkard, according to the records of the institution.

Q. Now, how long were you away at the time of his death ?

A. Some three or four days.

Q. Had the funeral taken place at the time you came back ?

A. Yes, sir.

Q. So that you have no knowledge in regard to— Had he ever been in the lodge while you were in charge there ?

A. Yes, sir.

Q. More than once ?

A. I presume so, because he was a boy that was very apt to be in the lodge. My impression is that he was in quite often.

Q. Did you ever have any trouble with him there?

A. Well, no; no particular trouble with him. Boys, generally, were pretty quiet while they were in the lodge, but occasionally they got rampant.

Q. You speak of giving these boys bread and water; now, as to what the bread was that you furnished to the boys in the lodge?

A. It was the same as the other boys had, furnished by the institution.

Q. Well, whether it was wheat bread or brown bread?

A. It was wheat-flour bread, baked there in the institution by those who had charge of the cooking.

Q. Now, when you gave them bread and water, you gave them all the bread they wanted?

A. No, sir, not generally.

Q. What were their rations, generally.

A. I should say a ration of bread would be about a half a pound of meal.

Q. I do not understand you?

A. I say a ration of bread would be about a half pound of meal.

Q. You say the rule was to give them meat once a week. What kind of meat did you give them?

A. I gave them such meat as was cooked for the officers in the front part, generally roast beef, because I took the opportunity to get my meat the day succeeding the day when the officers had roast beef, and went to the kitchen and took the bones that were left, sliced off the meat from them and gave it to the lodge boys.

Q. Now, about the meat that you gave them; as to the quantity that was given them when they were in the lodge?

A. The quantity varied somewhat.

Q. (By Mr ALLEN.) According to what there was left on the bones?

A. Not altogether; if there was not enough left on the bones, I took pains to get some somewhere else.

Q. (By Mr. HYDE.) You might have given them a small piece or a good generous supply?

A. I gave them a piece of meat perhaps as large as that, and perhaps half an inch thick.

Q. That would be three or four inches square and a half inch thick?

A. Yes, sir.

Q. Now, do the boys have anything but water for drink, in the lodge?

A. Not generally, unless they are in there some length of time.

Q. In regard to the night; do they sleep in the lodge?

A. They have a wide berth in the lodge.

Q. Now, with regard to the care of the cell; did each take care of his own dormitory?

A. No, sir; there was a boy that did the work of the lodge; all they had to do was to step out and go to the sink and wash themselves, and when they got ready to eat their breakfast the boy swept the cell and put it into proper condition. They took their own bed-clothes out and spread them on the rail.

Q. They were taken out to wash in the morning; where did they wash?

A. At the sink in the lodge.

Q. Were they put back into the dormitory before breakfast?

A. Yes, sir; they eat their breakfast in the dormitory.

Q. What was furnished them to sleep upon?

A. There was furnished them to sleep upon two quilts and a blanket; that was the supply of clothing in cold weather. In warm weather, I gave them one quilt and a blanket.

Q. Did you ever go up to the box? Did you ever measure it?

A. I had as much to do with that box as any man in the institution, from the time it was put up until I left.

Q. Can you tell us about the box?

A. In what respect?

Q. In any respect.

A. The box was put up there to put boys in. It was about seven feet high and wide enough to take in a large boy, and from that it came down so as to take in a smaller boy, and if the boy was not big enough to fill up the smallest size of the box, I have put in an extra board to make it smaller for a very small boy.

Q. Now, as to the condition of the boys in the box, etc.; tell us all that you know about it.

A. Well, I have taken boys out of there who have staid there ten or twelve hours a day, and it appeared to affect them no more than it would a block of wood if it had stood there the same length of time; other boys I have taken out that it seemed to have considerable effect upon.

Q. (By Mr. ALLEN.) What effect?

A. Well, I have seen boys stagger as they came out.

Q. Faint?

A. No, sir; they did not appear to be faint at all; their limbs seemed to be weak from standing constantly in one position. There was one boy that said to me he did not care anything about the box; "he did not care a damn about the box,"—that was his expression.

Q. (By Mr. HYDE.) Did you ever find boys asleep in the box?

A. Yes, sir.

Q. Several times?

A. Yes, sir; occasionally boys would go in there and go to sleep.

Q. Did you ever know them to take off their shoes in the box?

A. Yes, sir.

Q. Did you ever know them to get their hands up or down?

A. I do not know positively; I do not know that I ever knew a boy to get his hands above his head; I could not say positively as to that.

Q. But the boys have complained to you of the box?

A. Some boys thought it was pretty hard.

Q. Well, what did anybody say, or did the boys whom the box was applied to say anything about it at the time; and if so, what was said?

A. Well, I do not remember what was said, only they did not like to stay in there. In fact, I had nothing to do with it, except as an officer would request me to put a boy in the box and take care of him; and if

Colonel Shepard put a boy in the box, I took care of him; I also put boys in myself. They would sometimes send for an officer to put a boy in the box.

Q. Now, did you have any offence committed under your charge where no other officer had anything to say about it, and put a boy in the box yourself?

A. Yes, sir.

Q. Can you tell who they were, and for what they were put in?

A. No, sir; I do not call to mind.

Q. Well, generally, when you put boys into the box, was it at the direction of some teacher or officer of the institution?

A. Well, I did that, of course, more than I did for myself, because I was placed in a position where I could do this thing more conveniently; and in fact a lady officer could not do it at all; it was not a proper place for a lady to come to.

Mr. ALLEN. Why?

Mr. HYDE. He said it was not convenient, and a gentleman could do the work a great deal better.

Q. (By Mr. HYDE.) When you happened to be in charge of the lodge, and a lady requested that a boy be punished, you or some other officer took the boys up and put him in the box?

A. Yes, sir.

Q. If the other male officer had occasion to put a boy in the box, they did it?

A. They generally did; but I have taken boys and put them in the box at their request.

Q. Now, from what you saw of the box and the lodge, what should you say of these as a means of discipline in a school with the class of boys you had there?

A. I think that some of the boys do not care anything about the box or the lodge, and, after being released, in a very short time, they would commit the very same thing for which they were committed to the lodge before, and be placed there again.

Q. Well, now, as I say, whether in your judgment these were proper means of discipline, or whether they were injurious?

A. I think they were very proper, and I do not think them at all injurious. I never knew any injurious effects from them.

Q. Well, whether in your judgment they were necessary or unnecessary?

A. Well, I think, with the class of boys sent there the last few years, they are necessary.

Q. Well, now, did you ever strap any boys?

A. Yes, sir.

Q. Tell us about them, and who you strapped.

A. When any boy committed a misdemeanor while under my charge, I took him and strapped him, if his offence merited it.

Q. Tell us who you strapped, and how.

A. Sometimes I would make them hold out their hands, and sometimes I would strap them around the legs; while I was in the institution,

I never called for a boy to take off his jacket, or any article of clothing, but once. There was one boy who, at one time, refused to take off his jacket for another officer, and I put the boy into the dark cell at the time he refused to take off his jacket.

Q. Who was the other officer?

A. Mr. Fay; he was the second watchman at that time, and afterwards left the institution.

Q. Do you remember who the boy was?

A. Rogers.

Q. He refused to take off his coat for Mr. Fay, and you put him into the dark cell?

A. I put him into the dark cell. A short time after that, I had occasion to call the same boy up for the same offence. I think it was an offence that he committed in the line, when we passed from the school-room to the halls that night.

Q. (By Mr. ALLEN.) What was the offence?

A. I do not remember, sir. I took him out of the line, and after the line had passed, and I had nothing further to do, I took him into the entry, and said I, "Rogers, take off your jacket." He skinned his jacket off about as quick as ever you saw a boy in the world. I did not strike him over the back, or any part where his jacket would protect him, at that time. I strapped him around the legs.

Q. (By Mr. HYDE.) Well, now, did you ever know of any boys, while you were there, being injured by strapping?

A. No, sir; I never did.

Q. There has been something said about the Watson boy; do you know anything about him?

A. I know him, sir.

Q. Well, tell us what you know about him, if anything?

A. I know he was the worst character we had in the institution at the time of that affair with Mr. Wheatley.

Q. Well, if you have heard anything about him, you may tell us.

A. After the Wheatley matter, I heard from the first watchman that he got out of his berth one night to attack the first watchman; and I know of my own knowledge that he resisted an overseer of the second chair-shop, and struck at him several times on one occasion. I heard at the same time that he attempted to take a shovel and strike me. I know that he wanted, one night, when I reprimanded him in the line, to have a fight with me.

Q. Well, how do you know it?

A. Because he said so.

Q. What did he say?

A. He and another boy were talking in the line, and I stepped up to them and fetched them a little clip on the ear, in that way, with one sweep of my hand, and said, "Stop talking!" He turned around and said, "Strike me again, if you want to." I said, "You stop your talking, and go along about your business when the line passes." That was all that was said, and I took no further notice of him.

Q. Now, there has been something said here by a number of wit-

nesses in regard to some time when Mr. Wheatley punished him, and when a shop-awl was drawn; have you ever heard anything about that?

A. I heard something about that.

Q. Tell us what you know about that.

A. I was present one night in the superintendent's parlor when the subject was brought up and discussed or talked over by Mr. Wheatley and Col. Shepard, in regard to this boy Watson and James McFeeley.

Mr. ALLEN. Do you want him to detail what they said, when they are both here as witnesses?

Mr. HYDE. I think, as the others have been putting in a great deal of this sort of evidence, no objection should be made to what the witness is going on to state.

WITNESS. I do not propose, Mr. Allen, to put in any hearsay testimony.

Mr. HYDE. I think Mr. Hinckley's testimony was nothing but hearsay.

Mr. ALLEN. I shall not object to your putting the matter in your own way.

The CHAIRMAN. Make it brief.

Mr. HYDE. Only so far as the characters of the boys at the institution are concerned.

WITNESS. Col. Shepard had ordered McFeeley and Watson to keep separate in the yard, and not go together. They did not seem inclined to obey the order, and Col. Shepard left it upon Mr. Wheatley to enforce the order. The next day, after dinner, I went into the office, and Mr. Wheatley came in and spoke to the office-boy, and passed out; after awhile I saw Watson come into the office, and pass along up to the steam-coil with one hand shoved down in his pants—he only had a pocket on one side of his pants—and the other hand shoved away down into his pocket, as far as he could get it, and he stood there lounging against the steam-coil. Mr. Wheatley came in and said, "Watson, I want you," and they passed out. I passed down into the halls about my business.

Q. (By Mr. ALLEN.) You saw that?

A. I saw that. I passed down into the hall about my business, and after awhile I saw some disturbance in the yard. I looked out and saw that there were a number of boys in the yard and some officers. My hall-boys were rather inclined to go out into the yard and see what was going on. I checked them immediately, and kept them inside, and stayed there with them. After awhile, in the course of two or three minutes, I saw Mr. Wheatley come into the entry with Watson. He passed into his room, and I saw Watson's face looked very badly bruised up. I saw no blood, nor any appearance of blood upon his face; he passed into Mr. Wheatley's room and was gone perhaps five minutes, and came out again and passed through the hall, and the next I saw of them I saw Watson in the lodge. Watson's face then was very much discolored and very badly bruised, and he was supplied with a straw bed to lay on in his cell in the lodge; he was given his bed-clothing and taken care of, and made as comfortable as a boy could be under the circumstances. Mrs. Shepard visited him on one or two occasions to see that he had all that was necessary for his comfort and well-being.

Q. Well, now, did you ever hear anything, or was anything known about the institution as to what was the occasion of this Watson boy, after he went out with Mr. Wheatley, to be in the condition he was when you saw him afterwards?

A. I heard the story from Mr. Wheatley.

Q. Tell it.

A. Mr. Wheatley called Watson into the room, and the first thing he said to him was, "Watson, what have you got in your hand?" Watson replied, "I don't want any trouble with yous." "Well," said Mr. Wheatley,—

Q. (By Mr. ALLEN.) That was after Watson's face was bruised?

A. No, sir, before; when he was taken, from the time I saw him standing by the steam-coil. Mr. Wheatley said, "I want to know what you have got in your hand." Watson still replied, "I don't want any trouble with yous." Finally, Mr. Wheatley stepped up to him and took hold of the sleeve of his jacket, or his arm, and attempted to pull the boy's hand out of his pocket. It came out very easily all at once, and came back and struck Mr. Wheatley with an awl.

Q. (By Mr. PRESCOTT.) Were you there?

A. I told this as Mr. Wheatley's story. I stated it distinctly, I think; if I did not, you must excuse me.

Mr. HYDE. He stated that he did not see anything of it after Watson was taken away from the steam-coil.

Mr. ALLEN. Until he found him bruised in the cell.

WITNESS. He struck at Mr. Wheatley with this awl. Mr. Wheatley jumped back to avoid the blow, and, pulling out a strap, he met Watson with a blow in the face, and, as Watson struck at him with the awl, he struck back with the strap several times. Mr. Bigelow was in the next room, and, hearing the fracas, stepped in and made a motion to strike at Watson; he drew back to strike at Watson with his fist, but Watson was one of these little, round, bullet-headed fellows, and Bigelow thought it was not advisable to strike a boy of that character on the back of his head with his fist, as he supposed, at that time, that Watson had a knife in his hand, and if he did not fetch Watson the first clip, he might swing around, and, before he could get out of the way, Watson would stick that knife into him. His second motion was to grab a chair, and knock Watson down. Mr. Wheatley grabbed him, but Watson jumped and pulled away, and swung a door open, and brought Mr. Wheatley's hand right across the door and broke his hold. By the way, I will say that I know Mr. Wheatley's hand was very sore for a day or two afterward. Watson, after breaking away, ran into the shop. In this fracas, he lost his awl. He ran up to this boy, James McFeeley, and wanted to know if they were going to see a boy abused and banged about in that way. McFeeley, Fugh, and three or four others, beside Watson, took their awls and ran out into the yard. Mr. Armitage followed them out, and took measures to quiet them down and get their awls away from them. They got the four, and took them back into the shop, and Wheatley took Watson and put him into the lodge.

Q. (By Mr. HYDE.) Now, these awls you speak of; what sort of an implement are they?

A. It is an awl three-sixteenths of an inch in diameter, and from three to four inches long, I should say.

Q. With a handle to it?

A. With a handle to it. That is the length of the awl from the handle—three to four inches.

Q. Well, how long is the handle?

A. Well, it is a small handle, such as would be convenient to use.

Q. Like a chisel handle?

A. Not as large, but just about enough to fill up a person's hand conveniently.

Q. And an instrument that, striking against a person, would be as dangerous as a knife?

A. I should say so.

Q. You were not there at the time of the riot?

A. No, I was not.

Q. Do you know whether Turner and Goss were in the institution at that time?

A. They were not; because they were transferred to Bridgewater before I went away.

Q. Did you ever have any trouble or any attack from any of the boys down in the lodge, when you were there; was there any effort to attack you?

A. They laid a plot to attack me, and provided themselves with clubs by splitting off the end of a berth on one occasion.

Q. Who did this?

A. This Turner and Kelly. The Kelly boy split a piece off from the end of his berth, split it in two, and gave one piece to Turner. At the time we went down to take boys from the lodge up to chapel service, in the afternoon, as was our custom at that time; they made their arrangements that when one should be led out, and while I was leading the other out, they should commence an attack on me, knock me down, and get off. I went down. I started to find another officer to go down with me in the first place—

Q. (By Mr. ALLEN.) How did you know of that plot?

Q. (By Mr. HYDE.) Did any other boy down there say anything to you?

A. There did; a boy named Dane advised me to be cautious when I went in the third room. My reply was, "I am always cautious, Dane," and apparently paid no attention to it. When I went into the next room, I took a glance at Kelly and Turner as I walked along. As I opened Kelly's door, I took the lock in my hand and stood back until he passed out; I had no idea they would use any such weapon as they had. When I suspected the attack, I supposed they would use the vessel that they had in their cell, and try to strike me over the head with it. I watched Kelly, and saw that he did not, and let him pass out, and I performed the same with Turner. After the boys were in the chapel, I took Mr. Chase and Mr. Hayes and we went down and searched those cells, and found the

two pieces of board I have spoken of, concealed under the berths. We tried them together and they fitted exactly the foot of Kelly's berth.

Q. How long were these things?

A. About 2½ feet long, 4 inches wide, and an inch thick.

Q. They afterwards admitted it?

A. They admitted it when I talked with them about it.

Q. Now, something was said by some witness about boys being put in the box or lodge, I forget which, for spitting on the walls; do you know anything about that occurring up there?

A. I do not remember of any instance when a boy was put in the box or lodge for that offence, but I know that they ought to have been, sometimes.

Q. If you know anything about it, tell us.

A. My business in the halls was to keep the dormitories clean and in good order. I had a boy under me, one of my boys who whitewashed most of the time in different parts of the institution, and not entirely in the hall. I whitewashed these dormitories two or three times during the year. Sometimes, after giving a dormitory a good coat of white-wash, and having it in good nice shape, I would look in, within a few days, and find the walls all covered with spit, and sometimes tobacco spit at that, giving a very filthy appearance.

Q. Now, you said, with reference to some question by Mr. Allen, that the superintendent was opposed to punishment by the strap?

A. That is, of the larger boys; the superintendent has often cautioned me that if I had any disciplining of the larger boys to do, I should use the lodge, strait-jacket, or the box, rather than the strap.

Q. Now, Mr. Hinckley, I think, said something about a Miller boy being strapped, at some time, by Col. Shepard; do you know anything about him?

A. I do, sir; I have had some experience with him?

Q. Tell us about him, if you know anything of his general character?

A. Well, at one time Miss Clark, who is teacher of the second school, requested me to put this Miller, and another boy named Corey, into the strait-jacket, and I did so. I kept them there two or three days until they sent for Miss Clark and made arrangement with her to be released. Some little time after that Miss Clark requested me again to place Miller in the strait-jacket. I finished my work in the hall in the forenoon, took the strait-jacket, went up to where Miller was in his dormitory, told him to take off his jacket, and ordered him to put on the strait-jacket. He refused point-blank to take off his jacket or to put on the strait-jacket. I told him it was none of my kettle of fish, and advised him to quietly put on the strait-jacket, and take the punishment which he knew he deserved for his misdemeanors in school. He refused, and we had considerable conversation, and I talked with him as well as I knew how, and advised him to put on the strait-jacket. Finally, I left him, locking him in the dormitory, and reported the matter to Miss Clark. Miss Clark said she would see the superintendent, who was Mr. Scott, as Mr. Shepard was away. Mr. Scott told Miss Clark, as he told me afterward, that if she wanted that boy put into the strait-jacket, he had got to have it on, and he did not

want to see him. I saw Miss Clark, and she told me what Mr. Scott had said, and then I saw Mr. Scott, and he told me the same thing. "Now," said Mr. Scott, "if you do not want to put that strait-jacket on, I will go and do it." Said I, "I have commenced the job, and I want to go through with it; I propose to put that strait-jacket on myself." I took the strait-jacket and went to his dormitory, and told him again to take off his jacket and put on the strait-jacket. He refused. Said I, "Miller, you have got to put on this strait-jacket." Said he, "I want to see the superintendent." Said I, "You cannot see the superintendent; that is no part of the business." I took my strap and was going to strap him. He dodged out by me and ran down through the corridors and down-stairs to the door which led out into the yard. Just as he got to that door I got there. I took him back into the hall and he dodged from me again out among the berths. I just locked the door and spoke to Mr. Wheatley. Mr. Wheatley stepped up just then into the hall, and Miller gave up. He knew it was of no use to try to get away when two were after him. I sent him up to a cell. Mr. Scott came along and wanted to know what the noise was about, and I told him; said he, "You take Miller and give him a strapping." By the way, before Miller dodged out of the cell he called me several pet names—a damned son of a bitch, etc. I proposed, after I got through, for Miss Clark to punish him for his impudence and for resisting me. Mr. Scott said, "You will take him and give him a good strapping." I took him into the fifth school-room, and strapped him until he begged and said he had got enough and would behave himself. I concluded from what he said that he meant what he said. I went with him up to the dormitory and put him into the strait-jacket and kept him there some days; I do not remember how many. Afterwards, Miss Clark released him from confinement, and he returned to school.

Q. (By Mr. SANBORN.) Was the strap put in his mouth?

A. No, sir, it was not; I never knew of a strap being put in a boy's mouth, with the exception of the cases which have been spoken of. He returned to school, and Miss Clark told me afterwards that since that time he was as good a boy as she had in the school, and behaved himself well; but previous to that time he was one of the worst boys; which shows that the strap is a very good moral agent sometimes.

Q. (By Mr. HYDE.) Do you have officers' meetings at the institution?

A. We do occasionally.

Q. At any regular time?

A. No, sir; the Colonel calls the officers together in his parlor when any subject comes up he wishes to consult about, in regard to the discipline and management of the institution.

Q. How often were these meetings, should you say?

A. I could not say.

Q. Did you have one or two, or a number, during the year?

A. We had a number; sometimes there would be a couple in a week; I have known, I think, when we were called together twice in a week.

Q. What was the general purpose of these meetings, when you and the officers came together?

A. We sometimes discussed particular subjects; generally some particular subject that had come up in the management of the institution.

Q. And were the officers consulted as to the institution under their charge, and as to their immediate duties?

A. Yes, sir.

Q. And were they advised?

A. Certainly they were brought together by the superintendent to make any statement in regard to that portion of the school under their charge; and they were invited to make any suggestion that might come into their minds. They were to say anything they saw fit to.

Q. Was there any talk at any of these times upon the punishments, and what class of punishments seemed to be the best suited to the cases of different kinds of boys?

A. There was, occasionally.

Q. Was the matter of the methods of punishing the older boys ever talked about?

A. Yes, sir, there was at one meeting I remember in particular. After the box was placed in the attic, Col. Shepard suggested that it would be well to use that box as a substitute for the strait-jacket; that it would be well to use that or the strait-jacket in lieu of the lodge or the strap and other modes of punishment on the larger boys.

Q. Now, you had but one dark cell there, I think?

A. There is only one in the institution.

Q. How many cells or dormitories were there in the lodge?

A. Fourteen; thirteen only were used; I used one as a closet, where I kept my brooms, etc.

Q. That was the only means of confinement in the institution?

A. Sometimes the boys were placed in a dormitory.

Q. Well, I mean specially built for that purpose?

A. That was all that was built for that purpose.

Q. Now, as to the boys that were there; from what you saw in your contact with them, what was the general character of the boys and their conduct there, classifying them in any way that presents itself to your mind?

A. Well, there were some boys there that, in my estimation, were beyond all hope of any reformation; they were boys that never ought to have been sent there; they ought rather, in my estimation, to have been sent to the house of correction or the state prison. Some of them, I believe, will spend their days there, or a majority of their time in some kind of an institution where they will be confined.

Q. Well, that class of boys; were they, as a general thing, when they came there, the older or the younger class?

A. They were the older boys. There were some older boys there that were pretty hard cases, and had been there some time; and that was just the reason they were there, because they were hard cases.

Q. Yes; but they have remained there, and grown older as they approached their maturity?

A. Yes, sir.

Q. But I am speaking now of the time they were sent there. What do you think of this class of boys? Is this institution ready to take care of them?

A. They never ought to have been sent there; that is my opinion.

Q. Take the younger boys that were sent there, and what was the effect upon them? What was the effect upon the younger portion of the boys committed there?

A. I think the effect was good. Where there was any reformation in a boy, it was brought out.

Q. Well, speaking as a whole, it would not of course apply to every individual case, but as a whole?

A. I think the effect was good.

Q. But when it came to the older class of boys sent there for severe offences, that institution was not of much good to them?

A. No, sir.

Q. Were you provided with suitable means for caring for the worst class of boys you speak of?

A. Not in my opinion.

Q. You had to do the best you could with what you had?

A. Yes, sir.

Mr. HYDE. Mr. Allen, I do not think of anything else to ask Mr. Clark.

Mr. J. H. RICE.

Q. (By Mr. HYDE.) Mr. Rice, what is your full name?

A. J. Homer Rice.

Q. Were you at the institution at Westborough, and if so, how long?

A. A year and about eight months.

Q. In what capacity were you there?

A. As teacher of the lower department.

Q. Did you know the Gartland boy?

A. He was in my school.

Q. Now, tell us about the boy, generally; as a boy under your charge, how long was he in the school?

A. He escaped from one of the outside officers, if I remember correctly, and soon after he returned from escaping, I think, he came into the school where I was teaching. I am not sure.

Q. How long did he remain there?

A. I haven't it definitely in mind—some months.

Q. What was the general character of the boy under you during that time?

A. I had no trouble with him at all.

Q. Now, what was the general disposition of the boy, or make up, as you saw him?

A. Rather despondent, at times; he did not naturally chum in, as the boys say, with the others; he was by himself considerably in the yard; he did not have chums, generally, and had a despondent nature. As far as I was concerned, he had been very obedient; I never had any occasion to reprimand him whatever.

Q. Now, come right down to this matter just before his death; what occurred in the school-room, and what did you do? give us the whole story in your own way?

A. It was my habit to require of the boys a certain amount of labor, and the labor there is very largely forced labor. It was my habit to demand absolutely the task that was given them to be performed. He had been rather indifferent as to it for a number of days. I remarked to him that he had been deficient in his lessons.

Q. Do you speak of labor in the school-room?

A. Yes, sir; of the tasks given them in the school-room. In a very mild way, not as forcibly as I am talking with you now, I told him he had been indifferent to his lessons for a number of days, and I wanted him to take hold of his lessons in earnest, and that he must do what was given him to do. Upon this he broke out into a violent passion of profanity and abuse.

Q. Now, wait right here one moment. Was his class reciting at this time?

A. At this time.

Q. While his class was reciting, were you by him? That is, where was he as to you?

A. My position was at the desk, and his position was about the middle of the school-room.

Q. You made this remark; now, what did he do?

A. It is customary for boys to stand in their seats and recite, and not form into classes. They are divided into divisions, and each stands up by his desk to recite.

Q. Was he standing at the time you spoke?

A. He was.

Q. Now, state what he said.

A. He broke out into a violent passion of profanity and abuse of all concerned. I requested him, after subsiding from this profanity, to come to the floor. He refused to do that, and broke out into a further passion of profanity, and continued to abuse all concerned. I said nothing, but let him have his way, and after he had his way he was seated. I simply said, "The next may recite." I had no further words with him, knowing him to be in a state of passion, and that it was no use to talk with him then. We went on with the recitation for some twenty minutes. When it was time to dismiss school, I called the school to attention, and then said to Gartland that I hoped he had made up his mind to do as I bade him, and if he had a mind to come to the floor then. He immediately arose and came to the floor without any further words.

Q. He came out where you were?

A. He came out where I was, in front of the desk. I passed the school out, as is customary, and after the school was away I held a conversation with him. I saw he was still in a passionate condition. I told him he was in no condition to reason with or to talk with, and that I would wait until he was sober and could reason; then we would continue the conversation. Meantime I took him along with me and put him into the dormitory, and referred the matter to Mr. Shepard, the superintendent, or

advised with him in reference to the case, stating the case to him. This was about supper time. I held a conversation with reference to the matter, and decided what I should do in reference to the case. Immediately after supper I commanded him to the lodge. I had nothing further to do with him until the next day. I think this was Friday; and on Saturday it was customary to take the lodge-boys out to bathe, and he went to the bath-room to bathe with the rest. I was sent for to see him. I think Colonel Shepard had him in charge at the time.

Q. What time of year was this?

A. I have forgotten, there are so many cases.

The CHAIRMAN. The 14th of January, it was stated.

Q. Go on.

A. I was sent for, and I understood he wished to see me. I went over to the bath-room, saw the boy, and asked him if he wished to see me, and he said he did. I retained him, and the Colonel took the rest of the boys with him. I told him to come with me, and we went to a room by ourselves. The room has been stated as the entry to one of the school-rooms. I labored with him 15 or 20 minutes in reference to the offence he had committed, and in regard to the injury he had done himself, the school, and his teacher, and the boy seemed to think that he had done wrong, and seemed to admit that he deserved punishment. I told him his offence was very grave; that it was an offence that had not occurred under my instruction, while an officer there, and it had done great injury to the school and to himself. I thought it demanded a severe punishment, and he said he was willing to take any punishment I thought seemed best, and that I was willing to give him. I told him that being his state of mind, I would commence the punishment. I was glad he exhibited these feelings: that it was certainly in the right direction. I told him that the interests of the school demanded that he should be reprimanded in order to maintain discipline. I told him, therefore, I would commence the punishment by strapping, and I told him to hold out his hand. I strapped him on that hand, perhaps six or seven blows. It was not my custom to play with a boy when I punished, and I presume they were snug blows. He said that his hand was lame. Well, said I, "Very well, if that hand is lame, Gartland, I will not punish that hand." My remembrance now, is, that I told him to give me the other hand, and I punished him about the same on the other hand, at which time he complained of being unable to take further punishment. Said I, "Very well, Gartland."

Q. What did he say?

A. He said he did not feel well, and he was unable to take any further punishment. Said I, "If you are unwell, I will defer this matter until you are well or better. It is not my purpose to punish a boy who is unwell, or to injure him in any form." I told him that if he was unwell, I would defer the punishment until he was better. I accordingly ceased the punishment,—and, by the way, the punishment that he had received was no punishment at all for the offence. It was no punishment such as I gave boys for lighter offences; in fact, I ceased to punish him because he said he was unwell. I remanded him to the lodge immediately after-

wards. I held a conversation with him before I put him into the lodge, and labored, if possible, to convince him of his wrong more fully, and to try to draw him to the right principle. My whole effort with the boy was to make him better. I thought that the corporal punishment administered was one that would be of benefit to him, to the school, and to all concerned. It was my custom never to punish in the heat of passion, and only to accomplish the ends desired. I remanded him to the lodge, and the next I heard was that he had committed suicide. That is the story.

Q. I will ask you one question. Was there any punishment upon his body except upon the hand, at that time? Was there any beefsteak applied to him, in any way, after his decease?

A. I know of no beefsteak applied to his back.

Q. Did you ever hear of any?

A. Never until I heard of it in this room.

Q. Now, at the time you ceased the punishment, did you tell him anything what his punishment was?

A. Nothing was said. Said I, "We will continue the punishment when you are able to bear it."

Q. But what it would be, or how much it would be, nothing more was said than you have given?

A. Nothing.

Q. Now, as we don't want to detain you, I only want to ask you a few general things about the school. How long have you been engaged in teaching?

A. It has been my life-work in different schools.

Q. How many schools?

A. Fifteen or sixteen.

Q. Where have you taught?

A. I have taught at Westborough, I have labored in Virginia, and I have taught in and around my native place, Shrewsbury.

Q. Now, in regard to the boys there in that school; with all your experience, you ought to be a pretty good judge to give us some idea in regard to the conduct of that school, and in regard to its treatment and discipline. I should like to know what your judgment is in regard to it?

A. It is very evident that there is a very desperate class of boys there. I don't say they are all desperate, but the character of the school has very much changed since the school-ship boys came there. I was there when a part of the boys came there, three years ago. I have been there three times,—once under Mr. Allen, once under Mr. Evans, and once under Col. Shepard.

Q. You mean as teacher?

A. I was there as teacher three different times.

Q. How long the first time?

A. Three months.

Q. How long the second?

A. A little longer.

Q. And the third time as you stated before?

A. Eighteen months.

Q. Well, go on.

A. The nature of the school under Col. Shepard is entirely different from the nature of the school before the school-ship boys were put there. My general impression is, that the school has been growing in regard to severity of boys, or at least with regard to the boys sent there being of a severe character. It has been growing up to the present time, and the means to bring the school into subordination have necessarily had to be more severe. It is my custom to use moral suasion when it will possibly accomplish the end. But my idea is, that willing obedience is better obedience, and forced obedience is better than no obedience; that it must be had in order to keep subordination. If willing obedience cannot be obtained by moral suasion and labor, why, I believe the boys must be made to mind, as the only successful way; I have found that in every school, and in this no more than any other. The nature of this school is such that it calls for more severe means than an outside school, though I didn't find it necessary to use corporal punishment even in this Westborough school. I only resorted to it in extreme cases, when I thought it was for the interest of the school.

Q. Now, as to the general conduct of Colonel Shepard and the teachers and officers there under him, as regards their faithfulness in the matter of discipline, what would you say while you were there?

A. It is my impression that the amount of corporal punishment is materially less than it has been. At the second time I was there, I was surprised to see the amount of corporal punishment so diminished from the time of my last holding office there. I do not think that an administration of the strap was ever given except when it was necessary, as a general thing.

Q. Now, as to Colonel Shepard's methods of preserving discipline in the school, and his conduct with the boys; what were Colonel Shepard's relations with the boys?

A. There was a general feeling of regard for him, I think. My own feeling was that Colonel Shepard was a popular man among the boys; that he was a man who meant business when he punished; that in all cases of his administration of discipline, that he was a man who meant business, and carried it out to the letter. If one means would not accomplish it, he would resort to another, and so resort until the end was accomplished.

Q. Take that class of boys who did not require discipline especially; what was his general treatment of those boys? Whether it was kindly, or whether he was a harsh man to the boys of the better class there?

A. I think that the boys' punishments were mingled with a desire to elevate the boys. Severe means were only resorted to when no other means would accomplish the object.

Q. I speak not so much in regard to the nature of the punishments, but in regard to his general care for the boys, looking after their interests. I am speaking now of the younger class of boys, and of his conduct in relation to them; whether he meets them kindly, or whether he is harsh and severe?

A. My general impression is, that the boys never received so many advantages. They have more advantages than they really appreciate.

Q. Whether or not he is kindly in relation to these boys?

A. I thought he had a large heart for those boys; for I have seen that man with tears in his eyes when boys have been to him.

Q. (By Mr. ALLEN.) And a strap in his hand?

A. No, sir; not at that time. I believe the strap was only used when moral means would not bring about the result desired.

Q. (By Mr. HYDE.) Was there ever any attempt made to take away your keys there?

A. There was a plot of that kind, but it was discovered before it was carried out. I do not remember the boys' names, but those I have heard spoken of here were among the number,—Goss, Turner, Kelly, Ryan, and such names as occur to me now.

Q. What was the character of the plot?

A. Well, as I learned it afterwards, it was to occur in the morning. It was before light that the boys arose at that time. As I went my rounds after the boys passed out, to see if the boys had all passed out, these boys returned, while I was in the upper corridors, and concealed themselves. Their idea was, as I passed along, to throw a blanket over me, secure my keys, and pass out. I don't know that they intended anything further. There was no personal feeling.

Q. It was discovered and prevented?

A. It was discovered and prevented.

Q. Now, is there a constant vigilance on the part of all the officers to prevent the escape of boys? That is, they are always trying to get out from the institution?

A. There is more or less plotting all the time, and the yard officers have to be vigilant to discover them.

Q. One other single thing. What means were taken for religious instruction at the school?

A. They had their Sabbath-school exercises every Sunday morning, and their talk to them regularly in the afternoon. The last part of my time there we had usually a Bible class in connection with it. There was afterwards a prayer-meeting after chapel service.

Q. Did the Bible class meet any time except upon the Sabbath?

A. I think it did.

Q. Did that cover the whole school?

A. It covered those who saw fit to join the class. It was not a compulsory service at all.

Q. (By the CHAIRMAN.) I would like to ask this question here. In your judgment, do you know of any instances of flogging by others while you were in the institution, that you considered severe?

A. I have none in mind. Some punishments were more severe than others, according to the officers administering them.

Q. I mean for the nature of the offence committed?

A. I have no knowledge of any.

Q. Any by the use of the box, which you considered more severe than the offence justified?

A. I had boys choose the box in preference to the strap, many a time.

Q. Any punishments by the use of water that you considered more severe than the offence justified?

A. I have not been a witness of the punishments by the use of water; my only knowledge is from hearsay, in reference to that matter. I was not in the lodge at the time the water was applied, in the only instance I know of, in relation to that chapel service.

Q. (By Mr. ALLEN.) Mr. Rice, what was the age of this Gartland boy?

A. I do not know his exact age.

Q. Would you not think he was from 17 to 20 years old?

A. Well, he was somewhat deformed and small, but I understand his age was about as I have stated. I do not know his exact age.

Q. He was small in stature?

A. He was a hunchback.

Q. He was pale and delicate in general appearance?

A. He was of dark complexion.

Q. Delicate in organization?

A. No, I do not think he was.

Q. Had you ever had occasion to punish that boy before, while he was in your school?

A. I never punished the boy except at that time.

Q. How long had he been in your school?

A. As I stated, some few months.

Q. And he had always been obedient and attentive to the orders of the school up to this time?

A. Yes; I never had any trouble with the boy.

Q. Do you know whether he had been punished by any other person before your punishment on the day of his death?

A. I do not. He may have been punished for other offences. It is not my custom to know very much about it.

Q. Didn't you hear that he had been punished before you punished him on the day of his death?

A. No, sir.

Q. Haven't you ever heard so?

A. No, sir.

Q. Not from any person?

A. From no person.

Q. When he came to you on the day after the offence was committed, —on the day of his death,—and penitently acknowledged his offence, was it your opinion then that, for a young man of his age and of his previous record and conduct, the administration of punishment with a strap would make him better?

A. I had the good of the school partially at heart, in the administration of the punishment, and the good of the boy and the institution generally; the same as if he should be penitent on being brought before the court, he should, notwithstanding his obedience, be sentenced to the State Reform School.

Q. If this was his first offence, as you have stated, in your school, do

you not think, now, that some other punishment would have been better for him?

A. Had he not been so violent, and out of the natural course, I presume I should have adopted some other course with him; but I felt that the nature of the offence was such, that it would not be for the good of the school to pass it by without severe reprimand.

Q. But no other person was present when you administered this punishment?

A. They would very soon learn of it.

Q. You say, of this punishment, it was not very severe. Do you mean the weight of the blows you inflicted upon him?

A. I do not play with anybody when I am administering a punishment, as the boys will tell you.

Q. You mean you struck heavy when you struck?

A. I always did.

Q. From your experience of 15 years, is it your opinion that taking a young man of 17 or 20 years of age, and punishing him after he had admitted his offence and is penitent for it, will do him good or evil?

A. My general method of administering corporal punishment would be, if a boy would not mind after being corrected, or would not show obedience or willing obedience, and I was thoroughly convinced he would not do it, I would make him do it.

Q. Well, but were you not convinced that this boy, when he penitently confessed and said he would do better, that he would yield obedience?

A. Not fully; it is a very common thing for boys to show obedience to escape punishment.

Q. You have said he had always been a good boy heretofore?

A. Well, I had no trouble with him; he was, like other boys, in petty disobediences, but I never noticed these, as far as corporal punishment was concerned.

Q. Well, is it your judgment, that to remove boys' trousers and expose their persons and strap them with a heavy strap or harness trace, to be a proper mode of punishment?

A. I said nothing about removing the boy's trousers.

Q. I ask you as a teacher, if it is your opinion that to take a young man 20 years old, remove his trousers and expose his person, and strap him with a heavy sole-leather strap or harness trace, is a proper mode of punishment?

A. I should resort to that severity only in extreme cases.

Q. Is it your opinion that is a proper mode of punishment for a young man 20 years of age?

A. It depends altogether on the offence.

Q. Is it your opinion it is in any case a proper mode of punishment, to remove his trousers, expose his person, and punish him so that he bears marks for weeks with a heavy sole-leather strap or harness trace? Please to answer my question.

A. I am trying to, sir. If the offence is such as calls for that severity of treatment in order to bring obedience, I should resort to that, if I could not obtain it by anything else.

Q. Is it your opinion, that to remove a boy's trousers, and expose his person, he being 20 years old, and beating him upon his naked person with a harness trace, or a sole-leather strap, is a proper punishment?

A. I believe any method to secure that end, to the limit of personal injury, is proper and right.

Q. Do you believe this to be proper, as I have stated it?

A. To the limit of personal injury.

Q. Then you think, under certain circumstances, that a man may strip a boy to his waist, and flog him with a harness trace, so that he will bear marks for weeks afterwards, if it does not result in permanent injury, will be proper under some circumstances?

A. I do, sir.

Q. That is what I wanted to know. Now, do you think it is a proper punishment for boys to be confined for five weeks without their clothing, in a cell destitute of furniture, save two blankets, on bread and water, with meat once a week?

Mr. HYDE. You do not mean destitute of clothing?

Mr. ALLEN. With nothing on but their shirts.

Mr. HYDE. These shirts were all woollen shirts.

Q. (By Mr. ALLEN.) I ask if you think it is a proper punishment to confine a young man five weeks at a time in a cell, with no garment but a shirt, and no furniture but a blanket, on bread and water, twice a day?

A. I see nothing in it that is very cruel.

Q. Now, do you think it is a proper punishment for young men, for any offence, to play upon them with the large hose of the institution, not for the purpose of quelling a riot, but as a punishment for what they have done before?

A. I see nothing very cruel in that even.

Q. Do you think that is a proper punishment?

A. If I could not quell a disturbance, or bring about the desired result without resorting to that, I think I should resort to that.

Q. I do not ask you about quelling a disturbance; I say as a punishment, the boys being quiet, what do you say? The superintendent said he was going down to have his turn, and the boys were then quiet?

Mr. HYDE. They disturbed the whole service. Perhaps they were quiet when he arrived, but there was no intervening time when they were quiet.

Mr. ALLEN. I understood there was no disturbance when he arrived there.

Mr. HYDE. Very likely there was not.

Q. (By Mr. ALLEN.) What do you say about that?

A. It was very effective.

Q. I think so too; but do you approve of it?

A. I thought it was a very ingenious method at the time.

Q. So did I; but do you think it was a proper method?

A. If it did not bring about personal injury, I should think it proper.

Q. Do you think it is a proper method to tie a boy up in a strait-jacket so that he is unable to use hands or, feet, and a strap in his mouth

buckled behind his head so that he cannot speak, and lay him down upon a bed ten hours at a time for two days in succession?

A. Yes, precisely.

The CHAIRMAN. The last witness said what?

(Mr. RICE.) Precisely.

Q. Do you think it is a proper method to tie a boy up in a strait-jacket so that he is unable to use hands or feet, and a strap in his mouth buckled behind his head so that he cannot speak, and lay him down upon a bed ten hours at a time for two days in succession.

A. I cannot conceive of that being carried to an extreme that would result in permanent injury. I have known of no such cases in the institution.

Q. Do you think it is proper punishment to put a boy buckled up in that way, with a strap in his mouth, into a dormitory, and leave him ten hours in succession two successive days?

A. I shall have to state, as I have stated, that all these modes of punishment you refer to, unless they bring about permanent injury, I should have no objection to.

Q. Do you think the strait-jacket, applied for the length of time in the manner and under the circumstances which I have mentioned to you, is a proper and suitable punishment for young men?

A. I think I answered that question.

Q. Will you answer it?

A. I think it is a suitable punishment.

Q. And proper?

A. And proper.

Q. Do you think putting young men or boys in an upright box, so close as to confine their limbs and person in all directions; the box being seven feet high and two and one-half feet wide, and with a small aperture for breathing, and leaving them there for ten hours at a time, for four days in succession, is a suitable and proper punishment?

A. They were never left there—

Q. I ask you if you think it is a proper punishment?

A. I see no harm in it.

Q. Do you think it is a proper punishment?

A. I think, from what I have seen of the results, it would be very proper indeed.

Q. The by-laws of the institution say that all punishments shall be kind and parental; do you think that punishments by the sweat-box, the strait-jacket, the hose-pipe, and the strap, were what the trustees intended when they said the punishments should be kind and parental?

A. My general impression is, that that by-law was made previous to the admission of this class of boys, and it was made with reference to the former idea of the institution. If that had been made for the criminal classes that have been there for the past years, it would have been made somewhat different from what it is. I think all these severe punishments, which have been resorted to, have been occasioned by the admission of a harder class of boys to the institution, for whom the institution was not made, and did not contemplate.

Q. Mr. Rice, every officer,—the superintendent, teachers, watchmen, and every other person in charge of that institution—carries that leather strap, does he not?

A. They have resort to one.

Q. Does not every one, as a rule, carry one with him?

A. I cannot answer only for myself. I never carried one long. I had it in my room, usually in my desk.

Q. As a rule, do you not think all the other officers and teachers of the institution did carry them?

A. My impression is that they did not.

Q. Whether officers, watchmen, superintendent and teachers had the right to punish a boy with it? In regard to the superintendent, so far as you know?

A. As far as my last time there was concerned, that was the case; but when I was there under Mr. Evans it was different.

Q. Well, they had to report it to the superintendent then.

A. Yes, sir.

Q. Every officer, superintendent, teacher, male or female, watchman and overseer, had a right to put a boy in that sweat-box, did he not?

A. Every one of these officers had a right to put a boy in the strait-jacket. They had recourse to any of the forms of punishment in the institution.

Q. That is what I wanted to know. Every officer, every teacher, every overseer, and every foreman had a right to resort to any of the methods of punishment which have been established?

A. I know of no limit, sir.

Q. And without recourse to the superintendent?

A. He had an eye over all.

Q. I say without direct recourse; that was a fact, was it not?

A. Yes, sir.

Q. And the extent of that punishment was only limited by the discretion of the person inflicting it?

A. So far as I was concerned myself; I know nothing about others.

Q. So far as you know, the extent of punishments was simply limited by the discretion of the person administering them?

A. Except in particular cases, where we advised with the superintendent, and he suggested methods.

Q. And there was no rule requiring a record to be made?

A. No, sir.

Q. Now, you have stated that you would resort to any method of punishment that would not occasion permanent injury; you stated so, I think.

A. I think I did.

Q. And all these punishments are designed to inflict bodily pain?

A. That is the nature of corporal punishment, as I understand it.

Q. Then I understand you to say, that anything that would inflict bodily pain you should resort to to bring a boy to obedience, provided it would not inflict permanent injury; that is so, is it not?

A. As far as I am personally concerned, I should have my preference in reference to methods of corporal punishments.

Q. But you think any method would be proper to inflict bodily pain that would not produce permanent injury?

A. To bring about the result.

Q. You think so, do you? Then any method of torture which could be applied without producing permanent injury, you think, would be proper to use if necessary to produce obedience on the part of these boys?

Mr. HYDE. He did not say that, as you use the word torture.

Mr. ALLEN. He says it is bodily injury. I ask him in relation to any method of torture, because that is bodily injury.

The CHAIRMAN. I think you have used the word torture several times lately, and I think the word conveys a wrong impression. If you mean punishment, would it not be better to say punishment, than to use the word torture?

Mr. ALLEN. I understand the word torture to be the infliction of bodily injury beyond the ordinary extent as people understand it.

Mr. HYDE. You do not understand that if I said I punished a boy and I tortured a boy there would be no difference in the understanding of what I had done?

Mr. ALLEN. I do not think there would be in that institution.

Mr. HYDE. I think there would be a difference in the common use of the language.

Mr. ALLEN. I understand, Mr. Hyde, that the testimony here is, that a stream of cold water was played on one boy or two boys until they confessed. If that is not torture, what is it? It is precisely what was done by the Inquisition; they inflicted bodily pain until their victims confessed.

The CHAIRMAN. I do not understand that has been proved here.

Mr. HYDE. It seems to me, when you interrogate a witness, where he is obliged to answer you as the question is put, when you use the word torture, you use a term which you have no right to use to represent punishment.

The CHAIRMAN. Torture means that excessive punishment whereby there comes extraordinary suffering. On the other hand, there may be a punishment which is not torture. I suppose the rack everybody would call torture, but I suppose the ordinary thrashing we used to get when at school would not be called torture.

Mr. ALLEN. What do you think of the feelings of a boy in a strait-jacket, nine or ten hours a day, and with a gag in his mouth? Is not that torture?

The CHAIRMAN. We will discuss that at a later day. If the witness states all the facts, we are able to judge of them.

Mr. ALLEN. I have no other question to ask.

Mr. HYDE. Allow me to ask a single question I omitted. I notice that Mr. Hinckley, in his testimony, and also in his communication to the "Springfield Republican," states that in one case Mr. Rice took the boy Gartland from the bath-room while he was naked and wet, into the

school-room and flogged him on the bare back severely. In the other case, he says Thomas Gartland committed suicide at the institution in January, 1876, after being unmercifully flogged on the bare back. What I want to ask you is, whether he was flogged by you, or by anybody to your knowledge or belief, upon the bare back at that time?

WITNESS. The time I flogged the boy upon the hand, is the only punishment I know of the boy receiving, in any form whatever, and that was of a very mild character.

The CHAIRMAN. Has any member of the Committee any question to ask?

Q. (By Mr. DAVIS.) Mr. Rice testifies that the age of boys committed there at present, makes it more difficult than it used to be. I would like to know the difference between the age of boys being committed there now, and what it was years ago?

A. I am not in receipt of positive knowledge, but I think the age has been increased from 14 to 16 years.

Q. Are boys allowed to be committed there now 18 years old?

A. I am not positive, but that is my impression.

Q. Do you know they have always been admitted there as old as 16 years?

A. I have no positive knowledge about that matter.

Q. Then, really, you do not know much about that?

A. I cannot give you any positive testimony in regard to it.

Q. Is it your custom, as a teacher of 15 years' experience, to punish boys wherever you please?

A. It was very seldom.

Q. Why did you leave the institution at the different times you have gone away from there?

A. The last time I left was to take a position in the high school at Shrewsbury, being more remunerative. I left it for the same reason before.

Q. It was wholly on your own part?

A. Yes, sir.

Q. (By Mr. TRAIN.) I would like to ask one question in regard to these excessive punishments. Do I understand that you mean to say, sir, that for trivial, light offences, you would justify these extreme punishments, like such as have been mentioned?

A. Corporal punishment with me has been the last resort. I always resort to every possible means to bring about the willing obedience. I have resorted to corporal punishment when it was necessary to enforce obedience, but under no other circumstances did I use it.

Q. Well, sir, that is hardly an answer to my question.

A. Well, sir, that has been the case. I should not use it for trivial offences.

Q. (By Mr. TOMPKINS.) Would you be likely to know if the boy Gartland had been whipped upon his bare back just after the suicide?

A. I was about the institution, and was in the school-room during the afternoon?

Q. Then you would have been likely to have known if that had been the case?

A. I do not know that I should, sir. I was attending to my duties, and might have been in other parts of the institution.

Q. Did you hear of this testimony, before you came into this room, that he had been whipped on his bare back?

A. No, sir.

Mr. HYDE. The statement is that Mr. Rice did it. He says that Mr. Rice took him out of the bathing-room, and punished him.

Q. (By Mr. HYDE.) You did nothing of the kind?

A. Nothing of the kind.

Q. (By Mr. LOWE.) You have had 15 years' experience as a teacher. Did this boy Gartland behave worse than other boys you had in your school?

A. He had given me no especial trouble there.

Q. If you had a boy in your school that had been guilty of as grave offence as that, and he should express such penitence, should you feel it in your heart, or your duty, to use the strap on him in such a case?

A. I have a natural aversion to corporal punishment.

Q. Well, I ask you the question directly; take it as you are now.

A. I think the nature of the offence demanded severe punishment.

Q. Should you do the same thing?

A. I think I should, under like circumstances.

Q. Would you be upheld in your community in doing it?

A. I think I should, if I was in the state school. There is a different class of boys there than outside.

Q. Well, I asked you previously if you had as bad boys outside.

A. I thought you referred to Westborough.

Q. You say you have had as bad boys.

A. I think there is a misunderstanding: I thought you asked if I had had as bad boys at the Westborough Reform School.

Q. No, sir; out of the Reform School.

A. With my experience, I think it would be a very rare case, outside, in which I should resort to corporal punishment.

Q. Would Colonel Shepard have found any fault with you, if you had done there as you would do now?

A. My impression is that he sympathized with the method I took.

Q. Well, should you, with any boy in a school outside of Westborough, with any boy 20 years old, justify the method spoken of by Mr. Allen?

A. I think I should not resort to corporal punishment with such a boy.

Q. Then why inside?

A. Because the discipline of the state school, from the collection of boys there, must be maintained.

Q. Would you now, in the present discipline of your school, resort to any punishment under protest, provided a boy seemed to continue to be stubborn, with the present state of public sentiment in Massachusetts?

A. I should not resort to corporal punishment in a public school.

Q. (By Mr. ALLEN.) Do you believe the inhabitants of Massachusetts will permit boys to be shut up for days in a tight box, or to have

water played upon them from engine-hose, or stripped and beaten with a leather strap?

Mr. HYDE. I think that is only a matter of opinion.

Mr. ALLEN. He has just given his opinion to a member of the Committee.

Mr. HYDE. I do not see as that question is of any value, what he thinks of the sentiment of Massachusetts.

Mr. ALLEN. He has just been expressing that opinion to the Committee. I do not care about it.

Q. (By Mr. HYDE.) Whether or not, if in the public schools, when boys become incorrigible, the ordinary method is not to remove the boys from the school and send them to Westborough?

A. I have no practical experience in that matter, for I never have any trouble with boys of the public schools. In the Reform School we are obliged to keep him, and unless that boy was controlled, he would create insubordination among all the others. I had that in view when I thought of the punishment of the Gartland boy; that the discipline of the school must be maintained, and that his punishment would have a proper effect upon the other boys as well as upon himself. As I understand Dr. Lowe,—and the question has been discussed a good deal in our schools,—his question is, whether, if a boy becomes such a character that he cannot be controlled in the school without corporal punishment, instead of allowing it to any considerable extent, he should be reprimanded, and then, if he is still incorrigible, he is sent to Westborough, and this school is provided for this class of cases; and therefore, I think corporal punishment has been taken out of the public schools.

Mr. LOWE. The question is, whether boys who become incorrigible at Westborough could not be removed to the house of correction, and whether that would not be a better way to treat them?

Mr. HYDE. That is a line of inquiry I am glad to have suggested. I think we shall get there before we get through.

Mr. ALLEN. I think we all agree that is what should come out of this.

Mr. LOWE. That is the object of my asking this question.

Q. (By Mr. PRESCOTT.) What time of day was this that you punished the boy Gartland?

A. In the afternoon, sir.

Q. About what time?

A. I think in the neighborhood of 4 o'clock.

Q. How many blows do I understand you gave him?

A. My impression is I gave him five or six on each hand; and he complained, and said he was not able to take any more at that time.

Q. Do I understand you gave him five or six blows on each hand, and then he said he was not able to take any more? Well, he said to you before you commenced the punishment that he was willing to take any punishment you saw fit to give him, did he not?

A. Yes, sir.

Q. That was according to your testimony?

A. I believe so.

Q. Well, do you always desist when a boy says he is not able to take any more?

A. I have made it a rule not to injure a boy at any time by any form of punishment.

Q. Did he appear sick?

A. He said that he was unwell, and I supposed that he was feeling badly.

Q. Well, he had become unwell there in a very short time? It was before the punishment on his hands that he was willing to take any punishment you saw fit to give him?

A. You have his statement for what it is worth. I know no more than you do about his statement.

Q. You thought his statement was true?

A. I supposed he was unwell, and desisted from the punishment.

Q. Did he make any outcries when you punished him?

A. He was not very noisy about it.

Q. Did he make any outcries?

A. He muttered some, as all boys do.

Q. Did he not cry aloud?

A. Not very loud. I never knew a boy to be punished who did not make some noise about it.

Q. (By Mr. SANBORN.) Did you consider Gartland a truthful boy?

A. I had no particular occasion to test him in that regard. I always accepted a boy's word until he was detected in a falsehood.

Q. (By Mr. PRESCOTT.) What time of day was it that this boy committed suicide?

A. I understand between 4 and 5 o'clock.

Q. He received his punishment at 4, and before 5 he was dead. Do I so understand it?

A. That is my understanding of it.

Q. You say you commenced to punish him by strapping on the hand, and you finished, because he said he could not stand any more; do you mean to say you intended to punish him in any other way than on the hand?

A. My intention was to give him a severe strapping.

Q. Otherwise than on the hand?

A. No, sir; that was my method of punishment.

Q. When you went into the room at 4 o'clock, did he seem in his right mind? He appeared entirely sound, did he?

A. I should judge so, from his conversation.

The CHAIRMAN. You are excused.

Mr. SANBORN. Has any member of the Committee any objection to my questioning this witness.

The CHAIRMAN. We have agreed to leave it with Mr. Allen and Mr. Hyde. I have no objection myself.

Mr. DAVIS. I trust, Mr. Chairman, that any one having any questions, will be permitted to put them.

Mr. ALLEN. Let Mr. Sanborn ask a few questions, while I talk with Mr. Gartland.

Q. (By Mr. SANBORN.) Did you ever see any indication that his mind was wandering?

A. As I stated, he was not accustomed to have his chums, like others. He was by himself when about the yard. He was rather a despondent sort of a boy.

Q. When this passionate outbreak occurred which you have described to the Committee, did it occur to you that the boy was out of his mind?

A. I did not stop to consider anything about it. It was nothing which had occurred before.

Q. Did you see the boy Gartland lying dead?

A. No, sir.

Q. Have you seen him since you punished him?

A. I saw him in the coffin.

Q. Did it not occur to you at that time that you had punished a boy whom God had visited with insanity?

A. No, sir.

Q. Did not?

A. No, sir. I have never built up any definite theory in regard to the cause of his committing suicide. I know only this, I was thoroughly conscious of not punishing him severely.

Q. Have you ever recorded the punishment you then inflicted?

A. No, sir, I have not.

EXAMINATION OF LEACH CLARK.—*Continued.*

Mr. HYDE. I will ask Mr. Clark a few questions.

Q. (By Mr. HYDE.) What was the size and general appearance of the boys' dormitories?

A. I should say that the size of the dormitories was about four and a half or five feet wide, seven or eight feet long, and six and a half feet high.

Q. The boys were locked up into these by night?

A. They were locked up into them by night.

Q. How do the dormitories differ from the cells in a prison?

A. I could not say, from the fact that the only cell in a prison I have seen was when I was about seven years old, at the house of correction at Ipswich.

Q. How do they differ from the cells in the lodge?

A. The only difference was, that the cells in the lodge were provided with a berth, or bunk, built of boards, instead of an iron bedstead, and the doors of the lodge cells were of iron grating, while the doors of the dormitories were wood, with two bars of grating at the top.

Q. Do you mean that the doors were solid, with the exception of the grating over the top?

A. No, no. The upper part of the door was nearly half open. It was open, with two bars.

Q. You have stated that you were in charge of the lodge. By whose orders were the boys sent there and kept there?

A. By the order of any officer who saw the misdemeanor committed, or saw it committed at the time.

Q. Do you mean any teacher?

A. Any officer in the institution.

Q. Do you mean anybody? Do you call them all officers?

A. All except the four farm hands.

Q. Some twenty or twenty-five persons were there who had power to send boys to the lodge without reference to the superintendent?

A. Yes, sir.

Q. And keep them there as long as they chose?

A. Yes, sir, unless the superintendent interfered to bring them out.

Q. You said *you* put boys in there; did you give them any dinner, ordinarily?

A. No, sir; in fact, there were only one or two boys that I gave any dinners to at any time.

Q. What time did you give them any breakfast?

A. Along somewhere about a quarter past seven to eight o'clock.

Q. Usually bread and water?

A. Bread and water.

Q. What time did you give them supper?

A. A quarter past five.

Q. You stated that you gave them about half a pound of bread at a time. Did they eat it all up?

A. Yes, sir, generally. Speaking about eating it all up, I have seen one boy eat four times as much as that—four times as much as I usually gave them for rations. When other boys didn't want it, they would usually pass it to him.

Q. Four times as much as was usually allowed?

A. Yes, sir, four times as much as the boy had outside of the lodge.

Q. When the boys were confined in the lodge, they were not always allowed their clothes?

A. I never knew but two instances of clothes being taken from boys in the lodge,—that is, Goss and Turner.

Q. How long were they kept without their clothes?

A. Turner was kept there six weeks without pants and jacket.

Q. Nothing but his shirt?

A. Nothing but shirt and bed-clothes. He was allowed extra bedding above what the other boys had.

Q. What extra bedding had he?

A. He had three quilts and two blankets.

Q. Mattress?

A. No, sir.

Q. And this boy, Turner, was in that cell six weeks without any clothes but his shirt and the bed-clothes?

A. He was up in the dormitory during that six weeks.

Q. How much of the time?

A. Probably a week.

Q. Did you ever flog boys with a strap?

A. I have strapped boys.

Q. That is what I mean. You always carried a strap with you?

A. I did not. It was not the custom of the officers to carry straps about with them, so far as I know.

Q. How do you know?

A. I judge of that from the fact that my room was very convenient, and I usually kept my strap in a bureau drawer in my room, and the officers would come to me and ask me for my strap.

Q. Frequently?

A. Occasionally.

Q. You stated that you saw the boys when they were taken out on that Sunday afternoon after the hose was played on them and were carried up stairs. What condition were they in—wet?

A. They were wet.

Q. What was their physical condition beside being wet?

A. Generally, they appeared to think it was a pretty good joke.

Q. Smiling?

A. Smiling and laughing and winking at one another—most of them. Watson was not. He was mad, clear through.

Q. But the other boys?

A. The other boys didn't appear to care much about it, anyway, and tried to pass it off by a braggadocia way.

Q. This was Sunday afternoon?

A. Sunday afternoon.

Q. Did the boys smile and wink in that manner after coming out of the sweat-box usually?

A. I have seen one boy do it.

Q. After being in 10 hours?

A. Yes, sir.

Q. Didn't care about it?

A. Didn't care much about it.

Q. Did they usually smile and wink after being in the strait-jacket?

A. They didn't have a chance. The only two instances I ever knew were Goss and Turner.

Q. They appeared to have had a good time?

A. They seemed to think that they would behave themselves.

Q. Did boys generally laugh and smile after receiving the strap?

A. I don't know; they didn't generally before me, although I have been informed that after it, boys went out into the yard and bragged that it hadn't hurt them much.

Q. That wasn't your fault?

A. I didn't hardly believe the story; when I had occasion to punish, and punished, I didn't play with them.

Q. How long had this boy Watson been there?

A. I don't know.

Q. How long were you there?

A. Twenty-two months.

Q. The discipline of that 22 months didn't seem to improve him much?

A. No, sir, and it wouldn't if he had been there a hundred years. He

might, as he grew older, have sense enough to make him behave in order to get out.

Q. Do you recollect of any beefsteak being applied to his face in the lodge?

A. No, sir; I never saw any beefsteak applied in the lodge.

Q. How long had Miller been there?

A. I don't know.

Q. He had been there 22 months when you left?

A. I don't remember whether he was released on probation before I left or not.

Q. The discipline he received there didn't seem to have improved him much?

A. I think this case I related did very much.

Q. But up to that point?

A. I don't know how much discipline he had had up to that point.

Q. You say that Col. Shepard called the officers together and said the strap should not be used?

A. I didn't say that time. He did several times.

Q. Did you ever hear of this before the Committee visited the institution?

A. Yes, sir. I have.

Q. If the superintendent thought unfavorably of strapping and punishing boys by flogging, why wasn't it stopped?

A. The officers seemed to think that, in certain cases, strapping worked better than putting in the lodge, and they applied the strap.

Q. What kind of a boy was this Goss?

A. In what respect?

Q. Generally; in his general character.

A. Well, sir, I should judge that all he cared about,—all the reason he would have for good behavior,—would be to get out of that institution; not because he wanted to do right, or anything of the kind; not because he proposed to do right after he got out; because when I went to the institution he was out on probation, and was brought back for misconduct?

Q. Don't you think it is very natural that he should want to get out of it?

A. Well, yes, it is natural that all boys should want to leave. They do all want to get out of it.

Q. You spoke of your flogging Miller when he refused to put on the strait-jacket; you flogged him pretty hard, didn't you?

A. I did, sir.

Q. Did you count the blows?

A. No, sir, not precisely.

Q. Isn't it customary to make a report of the number of blows you give a boy?

A. Generally. It is required.

Q. As a matter of fact, you guessed at that?

A. I did, sometimes. I wouldn't come up here and swear that the report was just exactly the number of blows I give a boy.

Q. Would you swear the report represents the exact number of blows you gave a boy?

A. I would swear I have reported the exact number.

Q. But not as a rule?

A. I wouldn't say whether I did or did not, as a rule.

Q. You spoke of this boy Gartland, and gave your opinion of some matters which troubled him. You judge from his general appearance, didn't you?

A. His general appearance, and the general facts in regard to his conduct?

Q. He was a weak, delicate boy?

A. Not particularly so.

Q. How heavy a boy was he?

A. I should say he would weigh 125 pounds. He was not tall; he was a short boy.

Q. What was his general character, as far as you know, up to this time,—his general conduct?

A. I don't know; I didn't have him under my charge in the lodge. Occasionally he did come there; and when he was in the lodge he was quiet, as were generally all the boys placed there, except in occasional instances.

Q. Well, now, you have stated that you thought the means of discipline there were proper means. Do you think that putting a boy in that sweat-box ten hours at a time, day after day, for four days,—I mean without food during the ten hours,—is a proper method?

A. I never saw that done but what I did consider it a proper method of punishment for the offence committed.

Q. You have seen boys taken out of there when it was difficult for them to walk?

A. Not very difficult; I have seen them stagger and limp, but after taking a step or two they went off all right.

Q. And you think that tying up a boy in a strait-jacket and gagging him is a proper mode of punishment.

A. I do so consider it.

Q. And you think that stripping a boy up to the waist and flogging him on his bare person is a proper method of punishment?

A. I think that the idea, as it is used in regard to that institution, is a great bugbear, to make a mountain out of a mole-hill. I think that the idea, as it has been used in this investigation, is a great bugbear, and makes a mountain out of a mole-hill.

Q. I ask you, if you thought it a proper method of punishment, to strip a boy up to the waist and flog his person with a tug?

A. I do think it is a proper method.

Q. Young men 20 years of age?

A. Yes, sir.

Q. And you think that playing a stream of cold water upon a boy is a proper method of punishment?

A. I think it is one of the best things, under those circumstances, ever used in the Westborough Reform School.

- Q. If a boy came out smiling and laughing?
- A. It is what they tried to make out, but they don't want to repeat it.
- Q. You think it was a severe punishment?
- A. It was a severe punishment.
- Q. The boys had nothing on but their shirts?
- A. Yes, sir.
- Q. Don't you know it is one of the most severe punishments in the world?
- A. I don't know that I know it. I never thought anything about it.
- Q. Don't you think it pretty severe?
- A. I suppose it is pretty severe. I suppose it was intended to be.
- Q. How many strait-jackets were there in that institution?
- A. There were some half a dozen.
- Q. You spoke about other boys, at the time this cold water was applied to two or three, having water applied to them; what do you mean by that? the five or six others besides those whose names you gave?
- A. Goss and Turner.
- Q. That is, the hose was turned on them?
- A. That is, if the whole deserved the punishment, the whole got it?
- Q. Then the stream was turned on the whole ten boys, in fact?
- A. Yes, sir.
- Q. You gave the names of nine?
- A. Yes, sir.
- Q. Who held the hose?
- A. Colonel Shepard.
- Q. He held the hose, and turned it on every boy there?
- A. Most assuredly—on each and every boy equally guilty.
- Q. Every one?
- A. Yes, sir; they were there at the time.
- Q. And they got equal punishment?
- A. Yes, sir; and they deserved it.
- Q. Sunday afternoon. Mr. Sanborn suggests that I ask if Colonel Shepard is a Baptist?
- A. I don't know. I believe Colonel Shepard is a Christian, and that is all I care to know about that question.
- Mr. HYDE. It would seem that he employs sprinkling.
- Q. (By Mr. ALLEN.) Now, Mr. Clark, the rules of that institution require that all punishment should be of a kind and parental nature. Do you consider that the sweat-box, the strait-jacket, the gag, and flogging upon the bare person, and the use of the hose, properly represent a kind and parental method of punishment?
- A. I do, as a last resort to maintain discipline in such an institution.
- Q. And such as a kind father would naturally use upon his children, if necessary to punish them?
- A. Such as a sensible father would use upon his own children, if he couldn't maintain discipline without.
- Q. Have you any children?
- A. I have.

Q. Ever tried any of these methods on them?

A. No, I never had occasion to. My children, I hope, are a different class of children from the boys upon which those methods are necessary to be tried.

Q. Did you ever know a man in your life to use those methods upon his own children?

A. So far as the flogging is concerned, I have known it used worse.

Q. Will you explain?

A. I don't believe there ever was a boy marked in that institution as I was marked when I was a boy; and I deserved it, too.

Q. Nobody doubts that. I have here your report for the month of July, 1876. On the 25th you gave Thomas Scanlan 40 severe blows with a strap. Do you recollect that?

A. I presume that I do. His offence was lying and fighting, wasn't it?

Q. Yes, sir. Did you count those blows?

A. Well, I don't know that I did. I gave him a good, severe strapping, and that is the sum and substance of it.

Q. You guess you gave him 40?

A. Yes, and I don't think I gave him any more?

Q. You strapped him till you were tired?

A. No, sir; I don't think I did.

Q. On the same day you gave the boy, Blaisdell, 40 blows?

A. It was the same scrape with Scanlan.

Q. And this number of blows don't represent the exact number of blows?

A. No, sir. In my estimation he deserved it. That represents the amount of punishment.

Q. (By Mr. PRESCOTT.) What kind of a strap was it?

A. A small strap. I never used the trace.

Q. (By Mr. ALLEY.) Who used the trace?

A. I never saw any one but Mr. Wheatley use it.

Q. He used it?

A. I know he had it.

Q. I find that, in two days, you flogged five boys. In every case, you think that the result was good?

A. I think it is.

Q. Don't you think it a remarkable case, that every person that guesses at the number of blows, say it has a good effect?

A. I think it is good in every case, and necessary to maintain discipline in the institution.

Q. And in every case you think the effect was good?

A. So far as I know.

Q. And you think that flogging young men, 20 years old, does them good?

A. I think it does good, in that institution, in maintaining discipline and I think it is impossible to maintain discipline there without strapping

Q. You have been before the Committee before?

A. Yes, sir.

Q. Did you give evidence as fully there as here?

A. No, sir.

Q. Why not?

A. I wasn't questioned. I gave it as fully as the questions required.

Q. Have you been promised a place there again if you testify here?

A. No, sir, I have not.

The CHAIRMAN. What is the last question?

Mr. ALLEN. Has he been promised a place there again dependent upon his testimony here?

WITNESS. No, sir, I have not.

Q. (By Mr. HYDE.) Did you know Mr. Hinckley at the institution?

A. I knew him part of the time.

Q. Did you ever hear him speak disrespectfully of the officials of the institution?

A. I have heard him speak of the State Board of Charities.

Q. State what he said.

A. One time Mr. Sanborn was there looking around about some matters and records of the institutions, and we got to talking about it as we were out; and he said Mr. Sanborn always had his fingers in everybody's pie, and was the most troublesome mischief-maker in the State of Massachusetts—or words to that effect.

Q. (By Mr. SANBORN.) Who said that?

A. Mr. Hinckley.

Q. Did anybody contradict him?

A. Mr. Hinckley and I were together.

Q. Nobody contradicted him there?

A. No, sir.

Q. (By Mr. HYDE.) Do you think that the general reputation Mr. Sanborn bears in the Westborough Reform School?

A. I couldn't say. I never had any conversation with anybody else on the subject.

Q. What is your opinion?

A. I have no opinion about it.

Q. Do you think his reputation is different there from what it is in other portions of the State?

A. I don't know. I have been but a short time in Massachusetts, and am not well posted.

Q. (By Mr. SANBORN.) Do you propose to stay long in Massachusetts?

A. I wouldn't if I could get money enough to get out of it.

Q. Where did you come from?

A. Illinois.

Q. (By Mr. PRESCOTT.) Are these reports of punishments usually made out carefully?

A. I generally kept the run of my punishments pretty well.

Q. When you punished a boy, you put down the number of blows?

A. Not always at the time. I made a memorandum of it, and sometimes at the end of the month I took the memorandum and made out the report.

Q. When did you leave the institution?

A. The 14th of last July.

Q. I suppose the punishment of July 25th— [Handing witness a paper.]

A. That is a mistake; it is headed the 1st of July.

Q. Were you there during the months of March, April, and May?

A. 1876?

Q. Yes, sir.

A. Yes, sir.

Q. Did you punish any during those months?

A. I presume not, unless my reports show it. Sometimes I did not have occasion to punish any during the month.

Q. There are five punishments recorded during five days. Do you mean to say that during the months of March, April, and May you did not punish at all?

A. I mean to say this: that three of those punishments came under my notice while I was filling another officer's position.

Q. During the months of March, April, and May, didn't you punish some of the boys?

A. I presume I did not, unless the reports of the punishments are on file.

Mr. PRESCOTT. I desire to ask of the proper persons, whoever they may be, if all the punishment papers called for have been furnished this Committee,—from the 1st of March, 1876, to the 1st of March, 1877.

Mr. HYDE. I understood those were all furnished. I will ask again. That is what I understood. All that I know about it is, I gave the direction by the memorandum here of what was called for by the Committee.

Mr. PRESCOTT. We have reports from some officers, and from some we have not. There is only one with the name of Mr. Clark, and here is a record of five punishments within two days; and now, during the months of March, April, and May, when Leach Clark was at the institution, we have no report at all.

Mr. HYDE. I have not looked to see whatever they were, one way or the other. I supposed they were what you called for, and never looked at them.

Q. (By Mr. ALLEN.) Were you ever an inmate of a Reform School yourself?

A. No, sir.

Q. Or a penal institution?

A. No, sir.

Q. Never?

A. Never. I was brought up in such a way by my father that I never needed to go to one.

Q. (By Mr. PRESCOTT.) Were you before the Committee before?

A. Yes, sir.

Q. February 8th?

A. I think my summons will show that it was, I think, February 8th or 9th.

Q. Before you came before the Committee at that time, had you been up to Westborough the night before?

A. Yes, sir.

Q. Spent the night there, had you?

A. Yes, sir.

Q. Have you got the memorandum-book in your pocket that you had then?

A. No, sir.

Q. Why didn't you bring that?

A. Well, I didn't propose to bring my diaries before this Committee, and have them taken from me, as I understood they might be. I have no other evidence in regard to it. I have understood that such things have been taken away from persons.

Q. (By the CHAIRMAN.) Was it your private property?

A. Yes, sir.

Q. Not the property of the institution?

A. No, sir.

Mr. PRESCOTT. I do not understand that there is any desire to take them away; but when he was before the Committee before, his diaries were of great service in refreshing his memory. [To witness.] I thought they might be of service to the Committee?

A. I have all the items in regard to the matters of which Mr. Allen spoke; and, in regard to the dates, I have compared them with some memorandums made at the institution, and which I left there, and comparing the two, I have taken the dates off on this paper.

Q. Do you remember, when you were before the Committee before, being questioned in regard to the confinement of Turner, Goss, and any other of those persons?

A. I recollect being questioned in regard to them, sir?

Q. And you remember that you testified to the Committee that they were there only a short time,—only two or three weeks?

A. That was my impression first, until I looked at the diary; that is, it was my impression it was only two or three weeks before the washing down.

Q. Do you remember being asked to take your diary out and refer to a certain day in March?

A. Yes, sir.

Q. And found that was the date?

A. Yes, sir.

Q. Do you remember referring to the date when the boys were taken out finally?

A. I don't remember in regard to it.

Q. Don't you remember that your statement to the Committee was that those boys were confined there two or three weeks, and when I called for your memorandum-book, it showed that they were confined there nine weeks?

A. I think there was some—

Q. Will you please answer that question?

A. No, sir, I don't remember it.

The CHAIRMAN. I have my notes here. [Reading.] "The boys were kept in the lodge from the 5th of March to the 2d of April."

Mr. PRESCOTT. He said that after I called for the memorandum-book.

WITNESS. That is true.

Mr. PRESCOTT. Which is entirely different. I was in hopes that the book would be here to-day to refresh his memory. [To WITNESS.] Do you remember, in regard to the matter of punishment by the sweat-box and strait-jacket, that when I asked you, you knew nothing about it, two months ago, and you said you attended to your duties as an officer there?

A. Nothing about them.

Q. Anything about the matter of such punishments at the institution?

A. I don't think I ever said I knew anything about the other officers' punishments.

Q. Do you remember distinctly about the punishment of the boys down there on the Sunday when they were played on with hose?

A. I remember some facts about it.

Q. And were taken out and put into the strait-jacket, and taken into the dormitory? Haven't you been to some officer in that institution? Didn't you go and speak of that whole matter in a condemnatory spirit, and speak of it as an outrage?

A. I don't think I ever did.

Q. Will you swear you never did?

A. No, I won't swear I never did, and with the permission of the Committee I will tell you why.

Mr. PRESCOTT. I don't want to restrict you. You can state it in your own way.

The CHAIRMAN. Go on, Mr. Clark.

WITNESS. The question was asked me, when I was before this Committee before,—three certainly, and I think four times,—why I left the institution.

Mr. PRESCOTT. You are not confining yourself to the question.

The CHAIRMAN. Go on. [To Mr. PRESCOTT.] You told him to go on in his own way.

Mr. PRESCOTT. I mean in his own way to answer the question.

WITNESS. I propose to answer the question in as short a way as possible.

The CHAIRMAN. Proceed, Mr. Clark.

WITNESS. I will now state the reason why I left the institution. It was a personal difference with Col. Shepard, in which I had some pretty hard feelings toward Col. Shepard, and I may have talked outside some things in the heat of passion that I did not really mean or think, and wouldn't say again if I was in my right mind.

Q. (By Mr. PRESCOTT.) Your answer to my question, which was this: "Have you not spoken of that occurrence of Sunday, when the boys, having been confined there seven weeks for creating a disturbance, were played upon by hose, taken out and gagged and put in the strait-jacket, and put in the dormitory and returned to the lodge; have you not spoken to people, since, of that occurrence in condemnatory terms?"

A. I won't swear positively that I have not; and if I did, I said that which I didn't believe, for I never disapproved of that, and have thought it a good thing.

Q. There is a difference about that. Have you known anything occur in the institution which you considered an outrage?

A. No, sir.

Q. Haven't you ever spoken to any officers of that institution in regard to certain punishments there as being outrageous?

A. I don't think I ever did, sir; if I did, as I said before, I said what I didn't believe at the time.

Q. (By Mr. ALLEN.) Are you in the habit of making statements which are not true?

A. I may have talked sometimes with certain parties about certain things which may be construed to mean very differently from what I meant to say or believed at the time; but making positive statements in regard to those matters, I don't think I ever did.

Q. (By Mr. PRESCOTT.) You made full records of all your punishments with a strap, did you?

A. I may have neglected to put down some punishments in the memorandum during the time. Perhaps I had not a blank, and may have neglected to put down some.

Q. Do you record them in the blank or in the book?

A. Sometimes one way and sometimes the other.

Q. When you had charge of the lodge, how many boys were there ever in it without any clothes?

A. Never any but Goss and Turner, that I recollect at present.

Q. Will you swear there were no others?

A. I don't remember any other instances.

Q. Did you ever know boys to suffer with cold in the lodge there?

A. One boy complained that one night he suffered with cold.

Q. Haven't they generally complained of suffering from cold there?

A. No, sir.

Q. Were boys taken out of the lodge as soon as they said they were sorry for what they had done, and said they would do so no more?

A. As soon as they showed by their conduct and words, etc., and placed it before the officer in such a light that he could believe they were truly repentant, they were taken out.

Q. When and why have you changed—when and why did you change your opinion in regard to the punishments at the Westborough Reform School?

A. I never changed my opinions.

Q. Why, you stated, a moment or two ago, that you may have said to officers that those punishments were not right; and now you say you think they are right?

A. I don't think I made any such statement.

Q. Do you mean to say that no change has come over your mind in regard to this matter?

A. No, sir.

Q. Then you mean to say you made such a statement to the officers about punishments there?

A. I don't think I ever did.

Q. Do you mean to say you never made a statement to any officers

there that you considered them brutal and outrageous, or something of that nature?

A. I don't believe I ever told anybody any such a thing.

Q. Will you swear you haven't?

A. I won't swear I haven't; but I don't believe I have.

Q. Have you ever had the opinion that the punishment was outrageous?

A. No, sir, I never had such an opinion.

Q. Did you ever know of boys being played upon with hose in other cases?

A. No, sir, I never knew but that one case.

Q. You spoke of that box; what was it called?

A. It was called *the* box.

Q. *The* box?

A. The only thing that brought that thing into the name of sweat-box, in connection with that,—the only reason why the officers called it that sometimes, is for the same reason they used other words, such as squawking, mugging, and razing. They hear it constantly from the boys. When boys spoke to me about that sweat-box, I made no reply to them; never took any notice of the conversation.

Q. You knew what they meant?

A. Yes, I knew. Sometimes I told him I knew of no such thing in the place.

Q. Did you consider it a pretty healthy place?

A. Yes, sir; a pretty healthy place to put such boys in.

Q. Do you think it as healthy as putting in the lodge?

A. Fully as healthy.

Q. When you put boys in the box, did you make any report?

A. Yes, sir.

Q. To whom?

A. To the office.

Q. To the office?

A. Yes, sir, to the assistant superintendent, and sometimes, when he was not in, to the clerk.

Q. Did you make a record of it?

A. No, sir.

Q. Did you understand that a record is required of that?

A. I don't understand that a record is required of that; but I think the records of the institution would generally show where the boy is. When any officer took a boy away from his regular place in school or the workshop, he was required to report at the office where that boy was.

Q. Have you been to the institution since this hearing?

A. Yes, sir.

Q. How often have you been there?

A. I have been there every night since this hearing commenced.

Q. If I remember correctly—

A. I won't say every night; I won't say every night. I stayed home over Sunday.

Q. Had a talk with Mr. Harvey?

A. Yes, sir.

Q. If I remember correctly, when you were before the Committee before, I asked you innumerable questions about the punishments and conduct of the officers and the general conduct of the institution. I was unable to get any reply from you. How is it that you are so well posted now, after two months?

The CHAIRMAN. I think you are mistaken about that; I have Mr. Clark's testimony here upon that point.

WITNESS. I was just going to remark that I was sorry the Committee did not have any stenographer there to take my words down.

The CHAIRMAN [to Mr. Prescott]. I think you must be mistaken.

Mr. PRESCOTT. I have the records of the clerk of this Committee, Mr. Sanderson, and they cover I don't know how many pages of this book; and he tells me he recorded all that is material that Mr. Clark testified to before, and it is covered in eight lines. I remember distinctly in regard to the testimony of Mr. Clark; I remember distinctly asking this witness several questions which he could not answer at that time, and which he is fully posted and booked up to-day to answer; and that is the reason why I asked him about this great change, and how he lost his memory once and recovered it so plainly as he has now.

The CHAIRMAN. You say you asked him questions about the punishments at that time, and he couldn't answer them? Now, I have his answer to my question in regard to punishments.

Mr. ALLEN. What did he say?

The CHAIRMAN. I asked him if he thought the punishments in that institution were too severe. His answer was: "Does not think the punishments too severe." If Mr. Prescott failed to get the answer, I think he is at fault, and not the witness. I have it here. Go on, Mr. Prescott.

Mr. PRESCOTT. I don't think I have anything more.

Q. (By Mr. ALLEN.) You have stated that your father punished you very severely when a youth; what did he punish you for?

A. Different offences—running away from home, being out evenings, and running away from school.

Q. What else? Did he punish you for telling what wasn't true?

A. Sometimes.

Q. Did it cure you?

A. Yes, I think so. If he punished me for that, he probably cured me.

Q. Whether he punished you for lying?

A. If he did, he cured me.

Q. Did he punish you for telling the truth?

A. No, sir; he did not.

Q. You say you have stopped at the institution?

A. I stopped there two nights this week and last week.

Q. Meet Dr. Harvey there?

A. No, sir; I did not.

Q. Wasn't he there each day?

A. I don't remember seeing him about the institution?

Q. Did you go to his house?

A. No, sir; I did not.

Q. Have you talked with him there?

A. At Westborough?

Q. Yes, sir.

A. No, sir.

Q. Go to his house?

A. No, sir.

Q. Have you talked with him?

A. Yes, sir.

Q. Talked with the superintendent each day?

A. Don't know that I have each day.

Q. What have you been up there for each day?

A. Because it is cheaper than to go home.

Q. Who invited you to go there?

A. Nobody.

Mr. HYDE. I will say, to avoid any misunderstanding hereafter, that before I called this and other witnesses, I talked with them at my office and Colonel Shepard and Dr. Harvey were present. The same is true of Mr. Rice, Mr. Chase and others.

Mr. ALLEN. It is right that you should do so. I wasn't inquiring about that, but the conversation at the Reform School.

Mr. HYDE. That I don't know anything about.

Mr. PRESCOTT. In regard to this lodge, is this a pretty secure place?

A. Generally.

Q. Where the 13 cells are?

A. Generally it is.

Q. It is all brick and stone work. The boys are confined by an iron door?

A. There is a partition between the cells, lathed and plastered.

Q. You consider them pretty safe when locked in behind the iron doors?

A. Yes, sir.

Q. Ever know anybody to escape from there?

A. Yes, sir. One boy escaped last year.

Q. What occasion was it?

A. Through my negligence.

Q. Do you think that if the man who had charge of that lodge faithfully performed his duty, there would be much chance for anybody to get out of there?

A. No, sir.

Q. You said that boys were kept there six or seven weeks at a time without their clothes, so that they couldn't get away?

A. I testified that. I thought perhaps Colonel Shepard thought I might be negligent.

Q. Have you any recollection of other boys being confined there without their clothes?

A. I have no recollection of any other case.

Q. (By Mr. DAVIS.) How much experience have you had in the management of young men aside from what you have had at the Reform School?

A. Well, I don't know; I never had any experience.

Q. Never managed young men in any way ?

A. Not young men.

Q. All your practical knowledge in the management of boys and young men in that way, you acquired at the Reform School ?

A. Yes, sir.

Q. You said in your direct examination that there was a steam-coil passing through the lodge.

A. Steam-pipe I should have said.

Q. Steam-coil you said.

A. I said steam-coil because that is the common name given to the radiator.

Q. Was there always steam through there, so it was warm ?

A. In the daytime there was.

Q. Never heard any complaint about that. You said there were two strait-jackets that would fit those boys.

A. That would fit those two large boys.

Q. How many gags were there ?

A. I suppose you might have picked up a hundred or two straps.

Q. Did they use more than two at a time ?

A. Yes, sir.

Q. How many did they use ?

A. Nine.

Q. They gagged all those boys ?

A. Yes, sir ; straps were put on them.

Q. Who was the boy that said to you, when you took him out, that he didn't care a damn ?

A. His name was Martin.

Q. Was profane language allowed at this school ?

A. No, sir.

Q. What did you do to that boy ?

A. I could not do anything except put him back.

Q. Put him back because he swore.

A. I don't know that it was for that offence. He was under the charge of the superintendent. I have no distinct recollection, but I presume I reported the case to the superintendent and let him do what he was a mind to.

Q. Did you ever hear officers swear at them ?

A. I don't recollect that I ever did while I was connected with the institution.

Q. You say that if Watson lived to be a hundred years old he wouldn't improve any ?

A. I said it was my opinion ; that is all, sir.

Q. Whilst you were punishing a boy—strapping him—did you become angry yourself ?

A. I never made a practice of becoming angry while punishing a boy.

Q. Did you ever become angry ?

A. I don't know but what I might, on one occasion.

Q. When was that ?

A. When a boy tore my coat off my back.

Q. And you whipped him?

A. I might have strapped him a little after that, in a little spirit of anger. Probably my feelings were riled.

WM. S. PHILLIPS—*Recalled.*

Q. (By Mr. SANBORN.) Will you examine that paper and say if it is the paper given you by Dr. Harvey? [Handing him a letter.]

A. It is.

Q. When was it given to you, sir?

A. On the day that I testified.

Q. Before you testified?

A. It was.

Q. Will you read it to the Committee?

WITNESS. [Reading.]

"GREEN ROOM, March 30, 1877.

"Mr. PHILLIPS.

"*My Dear Sir* :—If you will permit, I should be glad to have an interview with you of an entirely friendly nature, and one that will not in any way compromise you or your honor concerning this case.

"Yours truly,

"E. B. HARVEY."

Q. Did you have such interview?

A. We did.

Q. Where?

A. In the entry.

Q. Before you testified?

A. I did.

Q. In substance, what did Dr. Harvey say to you?

A. That the questions that would be asked by Mr. Hyde would depend entirely upon the answers that I gave to certain questions—whether I would be pressed or not. I told him I should tell the truth as far as I knew.

Q. Is that paper in Dr. Harvey's handwriting, so far as you know?

A. It is.

Q. Did you read the whole paper?

A. No, sir. I did not.

Q. Will you please read it. Witness [reading], "Please to retain this note. H."

Mr. SANBORN. "Please to retain this note. H."

Mr. ALLEN. We have all been talking about the strait-jacket, and with Mr. Hyde's permission one of those young men is willing to slip it on for a moment. If the Committee are willing, I should like to see it, as I have never seen it.

Mr. HYDE. I understood that Mr. Sanborn desired to try it on.

Mr. SANBORN. I should like to see it on Mr. Clark.

The Committee adjourned to 9½ A. M., on Monday next, and the young man tried on the strait-jacket for the benefit of all present.

EIGHTH HEARING.

MONDAY, April 9, 1877.

HENRY L. CHASE—*Sworn.*

Q. (By the CHAIRMAN.) You are clerk of the Westborough Reform School?

A. Yes, sir.

Q. How long have you been connected with the institution?

A. About three years and nine months.

Q. Have you held the same position during that time?

A. Yes, sir, all the time.

Q. What are your duties as clerk of the institution?

A. I keep the books of the institution, both the history of the boys and the financial matters.

Q. That is, the record of the boys and the financial books of the institution?

A. Yes, sir.

Q. Those duties confine you principally to the office of the institution, do they not?

A. Yes, sir.

Q. As clerk of the institution, do you have anything to do with the discipline of the institution?

A. I have. Strictly speaking, I have not; but I have been obliged to fill positions, to fill vacancies; and I have had something to do with the discipline as it has been administered from the office.

Q. Then you have at times exercised discipline in the institution, have you?

A. Yes, sir.

Q. Well, has that been frequent, or only occasionally?

A. Occasionally; not frequent.

Q. Would you know whether the statements made by Mr. Hinckley are true with reference to punishments in that institution?

A. Yes, sir.

Q. He refers in his statement to the punishment of the boy Fitz-Gibbons, I think.

A. Yes, sir.

Q. Will you state, now, all you know with reference to the punishment of Fitz-Gibbons?

A. I was in the office one evening,—I should say it was in the neighborhood of half-past six o'clock,—and heard a noise as of some one kicking at the door below,—some boys kicking at the door of the lower entrance. I started to the door and heard the kicking more plain, and some one

was hollering for those in the office to come down. I put my shoulder to the door; the boys were pressing against it; I pressed it so as to unlock it, and when I unlocked it, I found the boys Hawkins and McDermott looking quite pale and excited, and they said, "Hurry in; they are pitching in to Mrs. Moore, and have taken her keys, and are going to get out." They passed beyond me into the office, and I passed through the bake-room. The door was two-thirds closed, so I couldn't see into it; and as I pulled it open, I saw Mrs. Moore lying upon her back, her head towards the dining-room, and Fitz-Gibbons lying upon her breast, and pounding on her face,—not exactly pounding,—pressing in the same manner as if kneading dough. He was stuffing a towel into her mouth. As I slid along, he saw me, and jumped over her, and I jumped after him. I chased him out of the room, and caught him and the Jones boy. The Jones boy had the keys in his hand, trying to get out.

Q. Where would that lead him?

A. Into the storeroom, and he could get out through the windows.

Q. What next?

A. I caught the boys, and soon after the Colonel came in, and I turned the boys over to him, and he took them to the office.

Q. The superintendent?

A. Yes, sir. The Jones boy was taken out of the dining-room first and searched, and he took the Fitz-Gibbons boy into the private office and closed the door, and punished him.

Q. Where were you at that time?

A. I was in the main office with the Jones boy and McDermott.

Q. And the superintendent was with Fitz-Gibbons in the adjoining office?

A. Yes, sir, in the main office.

Q. And he took him in there and punished him?

A. Yes, sir, and punished him with a strap.

Q. Was that punishment, so far as you can judge, very severe?

A. I gave the impression before the Committee that the punishment was light.

Q. At that time?

A. Yes, sir.

Q. You being in the dining-room only know what you heard?

A. Yes, sir. I didn't pay as much attention to it as a stranger would.

Q. Any other punishment that Fitz-Gibbons received?

A. I don't know of any other punishment.

Q. After that, did you pass out into the dining-room where Mr. Hinckley was?

A. If I remember rightly, he was in the same room where I was.

Q. Were the cries of Fitz-Gibbons loud, and as if he was suffering very much?

A. I could not say.

Q. You didn't hear?

A. I might have heard it, but it didn't make sufficient impression upon my mind to remember it at this time.

Q. You and Mr. Hinckley were in the same room while this punishment of Fitz-Gibbons was going on?

A. If I remember right, yes, sir.

Q. Mr. Hinckley said the boy screamed at every blow at first, but only frequently moaned at the last. Was that your impression of that punishment?

A. He might have done so; I could not say.

Q. Did it impress you as being of a character sufficiently severe to produce that?

A. It didn't impress me as being a very severe punishment.

Q. Did you tell Mr. Hinckley that was only one of three punishments that boy received?

A. I don't think I did.

Q. Do you know whether you did or did not?

A. I don't know, because I didn't say so.

Q. Did you tell Mr. Hinckley that the boy was flogged till he fainted?

A. No, sir.

Q. You positively swear that you did not tell Mr. Hinckley that that boy was flogged till he fainted?

A. I didn't tell him so; the boy didn't faint.

Q. That is all you know, then, about the punishment that the Fitz-Gibbons boy received?

A. That is all he got.

Q. Then the statement that Mr. Hinckley made, that you said that that was one of three punishments, and that the boy was flogged till he fainted, you say was incorrect,—not true?

A. Yes, sir.

Q. Do you know of cases of severe punishment in that institution? Do you know personally of severe cases of punishment by flogging in that institution?

A. No, sir.

Q. Do you know of the use of the box, called the sweat-box, in that institution?

A. Yes, sir.

Q. Do you know, of your own knowledge, of any boys having been punished so severely that they fainted when they came out of the sweat-box?

A. No, sir.

Q. What were the occasions of the severe punishments by the sweat-box that you have noticed?

A. I made a statement about the boy John D. Green being taken out in a fainting condition. I used the word fainting, but it was not properly used, because the boy showed signs of weakness in the legs.

Q. You stated before the Committee, before, that he stooped in his legs.

A. Yes, sir; I used that statement at the officers' meeting.

Q. Was that the only case of what seemed to you to have been severe punishment by the use of the sweat-box, that you know anything of?

A. That is the only case that I know anything of.

Q. Did you ever see a boy after he came out of that box with his legs black and blue, and the cords swollen up?

A. No, sir.

Q. Did you ever see a boy after he came out of that box with his hands swollen up to a large size?

A. No, sir; I don't believe it is so.

Q. You have never seen anything of that kind?

A. No, sir.

The CHAIRMAN. Is the bound record-book of the institution here?

Col. SHEPARD. The grade-book?

The CHAIRMAN. Yes, sir.

Col. SHEPARD. It is in this building.

The CHAIRMAN. Will you please get it? [To witness.] Have you witnessed the punishments by the use of cold water in the institution at any time?

A. No, sir; never have.

Q. You never have seen such punishment?

A. Never have seen a case.

Q. You know of them, I suppose?

A. I have heard of such cases, sir.

Q. Do you know anything about the boy Gartland who committed suicide? Anything about the punishment he received?

A. Only as I heard it from Mr. Rice.

Q. You know nothing but what Mr. Rice has told us here?

A. No, sir.

Q. Are the boys in the institution in the habit of conferring with the superintendent frequently?

A. Yes, sir; every day. They are there almost every day.

Q. Do they apparently make a free use of that privilege?

A. They do, from the fact that an average of thirty boys a day come into the office to see him.

Q. Do they come without any officer?

A. Yes, sir. They come in freely, and confer with him as freely as I would.

Q. Have you ever heard a boy complain to the superintendent that he was too severely punished?

A. There might have been such a case. I don't know of it.

Q. Have you been present at the interviews?

A. No, sir; they pass into his office.

Q. And you are in your office?

A. Yes, sir.

Q. You only know that they have frequent interviews, but the nature of those interviews you know nothing about?

A. I know nothing about them.

Q. When the trustees visit the institution, do you know that they are in the habit of conversing with the boys?

A. I have seen them do so.

Q. They pass around among them without any restraint?

A. Yes, sir.

Q. Have you heard officers speak of punishments which they called cruel, or too severe?

A. No, sir.

Q. You never have?

A. I don't know that I have.

Mr. PRESCOTT. As this gentleman is the clerk of the institution, I should like the record-book?

Mr. HYDE. That will be here in a minute or two.

Q. (By Mr. PRESCOTT.) How old are you, Mr. Chase?

A. Twenty-five.

Q. How long have you been in the institution?

A. Three years and a half, about.

Q. (By Mr. DAVIS.) Don't you state that it was three years and nine months?

A. Yes, sir; I did state that it was three years and a half, and it has been about three years and nine months. I shall be there four years the coming July.

Q. (By Mr. PRESCOTT.) Your office is directly under the place where the sweat-box is kept, is it?

A. Yes, sir.

Q. I believe you testified before the Committee, previously, that you punished boys there in the absence of the superintendent?

A. In the absence of the superintendent, I have punished boys.

Q. These records are kept by you, are they?

A. Not wholly. I simply enter the name. That is what is called the grade-book, and the grades are entered by the different officers. I mark against the name when the boy is discharged.

Q. When boys are punished by the sweat-box, is it recorded?

A. No, sir.

Q. No record made of it?

A. No, sir.

Q. When boys are confined in the lodge, is it recorded here?

A. Yes, sir.

Q. Do these records tell how long a boy is kept in the lodge?

A. No, sir.

Q. Well, suppose the trustees of the institution want to know how long a boy had been confined in the lodge, what means have they of knowing from the reports made?

A. The officer in charge of the boy always keeps an account of the time the boy was put into the lodge, and the time he was dismissed.

Q. Is that kept in a book?

A. The officer keeps a record of it.

Mr. PRESCOTT. I would ask if that book is here?

Mr. HYDE. I understand that no record-book is kept by itself; it is on file with the officers of the institution.

The CHAIRMAN. Mr. Prescott wants to know how one of the trustees visiting the institution, if he wants to know how long a time a boy has been confined in the lodge, what means he would have?

Mr. HYDE. The lodge officer there would have the means of telling him, and if the lodge officer could not, he would have no means of knowing.

The CHAIRMAN. Suppose the trustees should wish to know about how long a time a boy had been in the lodge,—say for three months,—how would they know?

WITNESS. He would know by that book and by the overseer's book and by the teacher's book. They would know he is out by the mark against his name.

Q. What mark against his name?

A. Against his name on the school-book.

Q. (By Mr. HYDE.) Is it that book in which the institution keeps the accounts—the record-book?

A. Yes, sir; Colonel Shepard has it with him.

Q. (By Mr. SANBORN.) Would it be necessary to examine all of these books to ascertain with certainty?

A. It would be necessary to examine all three of these books,—the lodge-book, the overseer's and the teachers' books.

Q. (By the CHAIRMAN.) Will you explain that statement?

A. When a boy is put into the lodge, it is reported to the office, and I enter it upon the grade-book; the teacher is at once notified, and he enters against his name where the boy is, and he is not marked again on that book until he returns, and the time he is out will be indicated by the book.

Q. (By Mr. PRESCOTT.) There are no regular lists kept on file in the institution, showing the names of the boys, and how long they would be there?

A. No, sir.

Q. And no such returns are made to the trustees?

A. No, sir; no records.

Q. Do I understand you to say that no records are made of the sweat-box punishments?

A. No, sir.

Q. (By Mr. TRAIN.) You say there is no record of a boy being put into the sweat-box? Isn't he marked absent?

A. Yes, sir; but there is no book. He asked if there was a book.

Q. But the officer would know where he is?

A. Yes, sir, the officer would know, but we wouldn't know at the office.

Q. (By Mr. PRESCOTT.) Would the marks show that the boy was in the lodge those several days? Is there anything to show in this book that the boy had been confined in the sweat-box?

A. Unless you find it marked against his name.

Mr. HIDE. I saw a mark, "strait-jacket," in some cases.

Mr. PRESCOTT. I saw "strait-jacket" marked. [To witness.] Does anybody record it?

A. If the officer makes a note of it.

Q. Is there any such case?

A. I don't know.

Q. Will you find it?

[Witness took the book and turned over several leaves.]

Q. (By Mr. PRESCOTT.) When the officers put boys in the sweat-box, do they report to you that such a boy is in?

A. Yes, sir; to myself, or to the assistant superintendent, or in his absence to the clerk.

Q. Do you mean to say that you have never taken boys out in a fainting condition?

A. No, sir; I never have.

Q. Ever taken boys out when they dropped on the floor?

A. Yes, sir.

Q. Ever know a boy to drop on the floor?

A. Yes, sir.

Q. How many times?

A. Twice or three times.

Q. (By Mr. SANBORN.) The same boy?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) That boy dropped on the floor twice or three times?

A. Yes, sir.

Q. (By Mr. SANBORN.) What was that boy's name?

A. John D. Green.

Q. (By Mr. PRESCOTT.) How many boys did you punish there at the institution?

A. Very few.

Q. You punished when the superintendent was absent?

A. Sometimes; not always.

Q. When lady teachers sent boys to your office, have you punished them?

A. Sometimes I have.

Q. Have you done it quite frequently?

A. Sometimes on an average of once a month.

Q. What do you use when you punish?

A. I always used a leather strap.

Q. What kind of a strap did you use when you punished?

A. I used a sole-leather strap.

Q. Ever use a strap of that kind? [Showing the trace before the Committee.]

A. No, sir.

Q. You have known a strap of that kind to be carried?

A. Yes, sir.

Q. Known officers to carry it?

A. No, sir.

Q. Have you known officers to carry a thicker strap than that?

A. Yes, sir.

Q. How many blows did you give?

A. All the way from six to twenty-five?

Q. Have you made a record of that punishment?

A. Yes, sir; but not always.

Q. Have you in any case?

A. Yes, sir.

Q. (By the CHAIRMAN.) Have you the blank? Have you filled out any punishments?

A. No, sir.

Q. (By Mr. PRESCOTT.) I should like to look over the records of the punishments made during the last year?

A. I have made no record of the past year.

Q. Made no record the past year?

A. No, sir.

Q. Didn't make any report to any one?

A. No, sir.

Q. (By Mr. SANBORN.) Why not, Mr. Chase?

A. Simply forgetfulness on my part.

Q. (By Mr. PRESCOTT.) Have you forgotten it the whole year.

A. I haven't done it, because I done it myself. I sometimes punish boys once a month, and sometimes once in three months.

Q. Did you tell the superintendent of it the last time that you punished in the absence of the assistant superintendent?

A. I stated that I punished a boy by order of the lady overseer in the absence of the superintendent.

Q. Did you punish a boy named Cahoon?

A. Yes, sir.

Q. What for?

A. Taking a knife away and lying about it.

Q. How did you punish him?

A. On his back.

Q. How many stripes did you give him?

A. About 20 or 25 blows.

Q. Make any record of it?

A. No, sir.

Q. Did you mark his body any?

A. I don't know.

Q. In regard to the punishment of Fitz-Gibbons; will you swear that you never told the assistant superintendent that you never punished him?

A. Yes, sir; I never punished Fitz-Gibbons.

Q. Will you swear that you never told Mr. Phillips so?

A. I never told Mr. Phillips that I ever punished Fitz-Gibbons, because I never did.

Q. How long have you known boys to be confined in the sweat-box over your office there?

A. I don't know.

Q. Well, according to the best of your judgment?

A. I could not say anything about it.

Q. Still, your office is directly under the box?

A. I don't see the boy go up, and I don't see him come down. There may be twenty boys go up.

Q. They don't go through your office?

A. No, sir.

Q. Is there an open place in the ceiling?

A. No, sir, not in winter. We have one in the office, but it is kept closed.

Q. If that is kept closed in winter time, what mode of heating that attic is there?

A. No particular mode.

Q. You say you heard of boys being punished by having the hose played on them?

A. I have heard of it.

The CHAIRMAN. I did not ask him that, because he did not know personally about it.

Q. (By Mr. PRESCOTT.) How many have you heard of being punished by playing hose upon them?

A. Some three or four or five cases.

Q. Do you remember any case?

A. I remember Cahoon and Lombey. I heard the officer say so.

Q. Heard who say so?

A. I have heard Mr. Phillips say so.

Q. You heard it there at the institution, didn't you?

A. Yes, sir.

Q. (By Mr. SANBORN.) When did you first hear of a boy being played upon in this way?

A. I don't know.

Q. Cannot you fix the year?

A. Within a year; perhaps within the last six months; never except within the last six months.

Q. (By Mr. PRESCOTT.) Have you heard officers of the institution, at any time, speak of taking out boys from the sweat-box in a fainting condition?

A. No, sir.

Q. Didn't you testify before the Committee, at the previous hearing, that you took one boy out of the box that dropped three times on the floor?

A. Yes, sir.

Q. And didn't you afterwards testify, after I asked you several questions, that you had heard three or four cases reported at the meeting of the officers, of boys taken out in that condition?

A. No, sir.

Q. Didn't you hear the officers speak of it?

A. I don't know that I ever heard of a boy taken out in a fainting condition.

Q. What sort of a condition was this boy in when taken out?

A. He was weak in his knees.

Q. He walked?

A. He walked down-stairs without my help, after I picked him up twice or three times.

Q. (By Mr. SANBORN.) What seemed to be the matter with him?

A. He seemed tired and weak from standing in one position.

Q. (By the CHAIRMAN.) How long had he been in the box?

A. I could not say—six or seven hours.

Q. Had you been underneath him while he was confined in that box?

A. Yes, sir.

Q. Had he signified at any time that he wished to come out of the box?

A. Yes, sir. I went up when he wanted me, and took him out.

Q. You went up?

A. Yes, sir, and took him out.

Q. Had he signified at any time that he wanted to come out?

A. Yes, sir. I went up, and he was in the condition I spoke of.

Q. (By Mr. SANBORN.) Why didn't you take him out sooner?

A. I took him out as soon as I thought he wanted to be taken out.

Q. Why didn't you take him out sooner?

A. Because I didn't think he needed to come out.

Q. (By Mr. PRESCOTT.) When officers send up boys into the box there, whose duty is it to take them out?

A. The officer that put them in.

Q. Whether you think you had a right to take them out?

A. Yes, sir; if a boy said he was sick, or needed to come out, and if I thought he needed to come out, or anything was the matter with him, I would take him out.

Q. (By the CHAIRMAN.) Mr. Phillips stated, that when a boy expressed penitence, or promised to do better, he was taken out of the box, so far as he knew. Now, upon that particular point, what is your knowledge?

A. The boy is committed to the box for some particular offence, and he is kept there until the officer thinks he is in a condition to do right, and he uses his own judgment about the punishment.

Q. (By Mr. PRESCOTT.) How soon after you went to the institution did you commence to punish boys?

A. Six or nine months. A good while after I went there.

Q. As a matter of fact, how many boys did you punish there a month?

A. I didn't average one a month. I don't believe I have punished a dozen boys during the last fifteen months, or two years perhaps.

Q. You punished this boy, Cahoon, for stealing?

A. I punished him on my own hook. He was my own office-boy.

Q. Did you report the case?

A. I did. Mr. Phillips knew of it.

Q. You felt that, in your position there, you had a right to punish boys there?

A. I had the same right that other officers had.

Q. (By Mr. SANBORN.) What right is that?

A. The same as other officers.

Q. From whom do you derive that right?

A. I can't say. We all had it.

Q. You cannot say from whom it came?

A. No, sir.

The CHAIRMAN. In the absence of Mr. Allen, do you propose to ask questions now, Mr. Sanborn?

Mr. SANBORN. Yes, sir.

Q. (By Mr. DAVIS.) What kind of a signal did the boys give at the sweat-box, when the boys wanted to come out?

A. Sometimes knock with their feet, and sometimes pound with their hands.

Q. Did you always go?

A. Yes, sir; there was no case but I always attended to. I would ask the boy what is the matter, and he would sometimes say he had been drumming, and did not want anything; and if he wanted anything, I would send to the officer.

Q. At the time of the whipping of this boy Fitz-Gibbons, you say there had never been any talk between you and Mr. Hinckley about this matter?

A. There might have been at the time.

Q. Can you remember the conversation?

A. No, sir.

Q. You wouldn't want to swear that you did not tell him anything about the boy being flogged till he fainted?

A. No, sir; I know I didn't tell him that.

Q. Did you hear Mr. Hinckley testify?

A. Yes, sir.

Q. You say it is false?

A. Yes, sir.

Q. That is what you mean?

A. Yes, sir.

Q. You stated that the punishment was all he got?

A. That is all I know of.

Q. He might have got other punishments that you know nothing about?

A. He might; but I don't believe it.

Q. How many times during the last eight months has the sweat-box been used?

A. I don't know.

Q. According to your best judgment?

A. Somebody said that Mr. Phillips said it was used a hundred and fifty times, and wanted to know what I thought of it; and I told them I didn't think it had been used half that.

Q. Didn't you say seventy-five times?

A. I stated, that if it had been used, it was not half that.

Q. (By Mr. PRESCOTT.) What was that statement? I did not understand it.

A. I stated that I had been told that Mr. Phillips said the sweat-box had been used a hundred and fifty times, and I said I did not believe it had been used half that number of times.

Q. (By Mr. DAVIS.) How many boys have you strapped since the first of last July?

A. One or two or three boys.

Q. And no record made of any of them?

A. No, sir.

Q. You stated that the reason you made no record of your punishment was because you forgot it?

A. I took no thought about it.

Q. Are you not as likely to forget about other punishments as to forget to put upon record when you punished a boy with a strap?

A. No, sir; I guess not.

Q. Do you know, is your memory any better in regard to other matters?

A. It seems to me it is.

Q. Would you have remembered it?

A. I didn't punish but two or three boys.

Q. But there would be the more reason for remembering it than if you had punished a few boys and not made a record of it. Have you been reprimanded for not discharging your duty?

A. No, sir.

Q. Nobody ever complained?

A. No, sir.

Q. You know you punished, and that nobody found any fault?

A. No, sir.

Q. It was never referred to by the trustees of the institution?

A. No, sir. Col. Shepard knows about all the punishing I did.

Q. You say you have never known any severe punishments in the institution?

A. I don't know of any.

Q. What do you call severe punishment?

A. That would depend upon the offence.

Q. Will you specify any offence? Wouldn't it be possible to punish severely?

A. It might be so? I don't witness anybody else's punishments. I don't witness any punishments.

Q. You have got no idea, then, of what would constitute a severe punishment?

A. There might be such a thing as a severe punishment, but I don't know of any such a case up there.

Q. (By Mr. SANBORN.) What do you say to the case of John D. Green; do you call it severe?

A. I don't call it severe.

Q. He fell twice upon the floor.

A. Twice or three times.

Q. You don't call it severe?

A. No, sir. He fell down twice or three times.

Q. He was standing in that position?

A. Yes, sir, he was.

Q. Wouldn't you call that a case of severe punishment?

A. It might be called so.

Q. Should you call it so?

A. Perhaps I might.

Q. Should you?

A. I didn't consider him punished severely.

Q. Did you ever speak of that particular punishment as severe?

A. I don't know that I used the word.

Q. (By Mr. DAVIS.) Have you no remembrance how many blows you gave the boy—you never counted them?

A. No, sir.

Q. Were you ever in anger when you struck the boy?

A. No, sir.

Q. Don't remember when you were a little more excited than usual?

A. No, sir; I never punished a boy when I was mad.

Q. That is your judgment about it. Just as quick as you got in anger, you would stop?

A. No, sir; I don't wait till I get my mad up before punishing him.

Q. You punished quick, before getting mad?

A. No, sir; I always took a boy and talked to him before punishing him.

Q. How many boys have you talked to before punishing?

A. As many as I have punished. I have punished only two or three, and none within the last six months.

Q. Can you give their names?

A. Cosgrove, Toomey, Minnehan.

Q. (By Mr. PRESCOTT.) What were these boys punished for?

A. They were reported by Mrs. Bigelow as making a disturbance in the sewing-room, and I punished them lightly. One was the monitor. They did some swearing and blustering.

Q. (By Mr. DAVIS.) Did you ever hear officers of the institution use profane language?

A. I don't know as I have.

Q. Not allowed there?

A. No, sir.

Q. (By Mr. TOMPKINS.) What is the meaning in these records, "4, 4," and "6."

A. You will find the direction in regard to that in the front part of the book.

Q. There is no direction. What does "4, 4" mean?

A. Good behavior.

Q. (By Mr. SANBORN.) Have you read the report of the committee, Senate Document, No. 65, referring to the discipline?

A. I think I have.

Q. Have you read this passage [reading]. "Your committee feel that punishments by some of the subordinate officers and employes of the institution have at times been injudicious and unnecessarily severe." Do you know of such cases?

A. No, sir, I do not.

Q. Do you believe the statement of the committee to be correct?

A. That is their opinion of it.

Q. Do you believe that statement to be correct?

Mr. HYDE. That is not a proper question. You needn't answer that question. What he believes is not a proper question.

Mr. SANBORN. They go on to say [reading], "And that proper

records of the same have not in all cases been kept as required. [To witness.] What is your knowledge of that?

A. I don't know as I hardly get your question.

Q. Do you know of any such case as this?

A. No, sir.

Q. You have testified to one case that you know where the proper records have not been required?

A. I have said there was no record of the boys placed in the box.

Q. I am speaking of the records of the entire punishments. You testified that nobody was required to keep records. Now, in regard to the sweat-box cases, was any record kept, anything that could properly be called a record, of punishment in the sweat-box?

A. No, sir.

Q. By anybody?

A. No record kept.

Q. Would not the proper record be, when a boy was put in, when taken out, and what his condition was when taken out?

A. That would be a proper way to record it.

Q. Would anything less of that be a proper record?

A. I think it would not.

Q. Then you think a proper record of the sweat-box cases has not been kept?

A. I do, for the proper office record. There is the school record.

Q. But that doesn't give these particulars, does it?

A. It simply states that the boy was put in the box.

Q. On the day; it doesn't give the time of day?

A. No, sir.

Q. If he was in three days, it wouldn't appear?

A. It would appear on the school-books.

Q. How long did you ever know a boy being kept in the sweat-box?

A. I don't know anything about it. Boys are not brought to the office when put into the sweat-box.

Q. I thought you testified they were always brought to the office?

A. I do not see them when they go in or come out. I simply know a boy is in the box.

Q. How many have you let out?

A. A number; I don't know.

Q. How many should you say? Have you let out 10?

A. I don't know.

Q. Have you let out 30?

A. Don't think I have.

Q. Then, somewhere between 10 and 30 you have let out?

A. I might have let out 10, and might not.

Q. How many of those boys, besides John D. Green, showed signs of being weak, and who staggered when they came out?

A. I don't know; the boys might have staggered when they came out.

Q. Are you ready to swear you never saw any boy, except John D. Green, stagger when he came out?

- A. I am ready to swear I never saw but him.
- Q. Have you known of any boy vomiting?
- A. I have known one boy vomit.
- Q. Who was he?
- A. Lombey was the only boy.
- Q. Did you ever see this instrument [holding up the trace] used upon any boy?
- A. I don't see officers punish boys.
- Q. Did you never see an officer punish a boy?
- A. I don't recall a case now.
- Q. Are you ready to swear you never saw an officer punish a boy?
- A. I don't remember.
- Q. Tax your memory a little.
- A. I don't remember.
- Q. State to the Committee precisely what you know, by observation or hearsay, of the punishment of Fitz-Gibbons.
- A. It is just as I stated. The superintendent took him into his office and punished him.
- Q. You saw the superintendent take him into his office?
- A. Yes, sir.
- Q. Did you ever talk with Mr. Phillips about that case?
- A. He says I did; I don't remember it.
- Q. Will you swear that you did not?
- A. No, sir; because talk between parties is not always remembered.
- Q. How many times was Fitz-Gibbons punished?
- A. Only once.
- Q. Was a record made of that punishment?
- A. I presume so.
- Q. Do you know that a record was made?
- A. I don't know.
- Q. With what was the punishment inflicted?
- A. I presume, with a strap.
- Q. By a strap of this kind? [Showing the trace.]
- A. I don't know. I think it was a strap of that kind.
- Q. Was Fitz-Gibbons punished for his (lying?)
- A. Not that I know of.
- Q. Did you ever hear of such punishment?
- A. No, sir.
- Q. You testified that you knew nothing about the suicide of the boy Gartland?
- A. Only as Mr. Rice stated.
- Q. Were you present at the institution at that time?
- A. Yes, sir.
- Q. At what hour did you hear of it?
- A. I was down town, and heard it when I came back in the afternoon, about five o'clock.
- Q. At what hour was he put in the lodge?
- A. I don't know.
- Q. You heard Mr. Rice state it the other day?

A. Yes, sir.

Q. You heard him say the punishment was inflicted about 4 o'clock?

A. My impression was it was in the neighborhood of 3 or 4 o'clock. I cannot recall all the testimony of the officers.

Q. Is it your impression it was before 4 o'clock?

A. Yes, sir; it is.

Q. And you heard Mr. Rice say so, the other day?

A. I won't say so.

Mr. SANBORN. I want to get at the length of this witness's memory. He seems to have a peculiar memory.

The CHAIRMAN. Will you please try and confine him to facts of which he has exact knowledge?

Q. (By Mr. SANBORN.) You say you heard of the death of the Gartland boy about 5 o'clock; who told you of it?

A. Mr. Scott.

Q. What did you then do?

A. Went about my business.

Q. Did you see the body of Gartland, after death?

A. Yes, sir.

Q. What time did you see it?

A. Sunday morning.

Q. Was there any inquest upon the body?

A. I have heard it said there was.

Q. Who told you so?

A. I think Col. Shepard, or Dr. Harvey.

Q. Who did he say made the inquest?

A. I think they said Coroner Newton.

Q. You were not present at the inquest?

A. No, sir; I was away Saturday evening and Sunday.

Q. You were at home Saturday night?

A. Yes, sir.

Q. What time did you get back to the institution Saturday night?

A. About 9 o'clock.

Q. What did you hear say was the cause of Gartland's death?

A. I don't know. There was some talk in regard to it.

Q. Who did you hear speak of it?

A. The officers.

Q. What officers?

A. Col. Shepard, Mr. Rice and Mr. Scott.

Q. Did you hear the reason which each gave—did you ask them?

A. I don't know of any reason which they gave.

Q. How often do the trustees visit the institution?

A. They had a quarterly meeting there every three months, and some trustee was there every week.

Q. Do all the trustees attend all the meetings?

A. A large part of them.

Q. Do you ever keep the records?

A. No, sir; the trustees keep their own records?

Q. That is no part of your duty?

- A. No, sir.
- Q. Some of the trustees visit the institution every week?
- A. Some of them do.
- Q. Did you ever have any conversation with any of the trustees in regard to the punishments you inflicted?
- A. No, sir.
- Q. Or punishments inflicted by other officers?
- A. No, sir.
- Q. How long have you been in the institution?
- A. Three years and nine months.
- Q. And you testify that for a period of three years and nine months no trustee ever spoke to you about punishments inflicted by you or other officers?
- A. No, sir.
- Q. What instruction did the superintendent give you in regard to the punishments?
- A. I don't know that he ever did give me any instruction.
- Q. Do you remember anything he ever said?
- A. I remember some time ago I asked him what to do in a certain case, and that he would advise some punishment.
- Q. Did he ever give you any general instruction in regard to punishment?
- A. No, sir. I remember he talked with the officers about punishment.
- Q. I am speaking of your own knowledge. Do you remember the meeting of officers when punishment was discussed?
- A. Yes, sir.
- Q. What was the last time that such a meeting took place?
- A. Some time in January.
- Q. Who were present at that meeting?
- A. All of the male officers.
- Q. How many?
- A. Twenty-five.
- Q. You heard what they said?
- A. Yes, sir.
- Q. Did they all speak about punishments which they had inflicted?
- A. No, sir; they spoke about the strait-jacket and sweat-box.
- Q. How many of those officers testified about the strait-jacket and sweat-box?
- A. Those who used spoke about it.
- Q. How many?
- A. All but two or three.
- Q. That is all out of 20?
- A. Yes, sir.
- Q. How many times, in your judgment, has the sweat-box been used since it was first set up in 1875?
- A. I don't know.
- Q. Has it been used 100 times.
- A. I should think so.
- Q. Has it been used 200 times?

A. I should think not.

Q. Then somewhere between 100 and 200 ?

A. I should think so.

Q. How many officers used it ?

A. I said 20.

Q. How many stated that they used it ?

A. All but two or three present.

Q. And stated that the number of male officers present was 25 ?

A. Yes, sir.

Q. Now, what did you say about the effect of the sweat-box upon the boys when taken out ?

A. I don't know as I gave an opinion. Some thought it more severe than the strait-jacket, and some thought the strait-jacket more severe.

Q. Do you hear any of these officers speak about boys having fainted when taken out of the strait-jacket ?

A. No, sir. I was the only one who used the word faint.

Q. Did you hear of any boys staggering ?

A. I think I heard so.

Q. More than one ?

A. I could not say.

Q. No more ? Was this box known among the officers of the institution as the sweat-box ?

A. We called it the box, and the boys called it the sweat-box, and we worked into that idea.

Q. Have you called it the sweat-box for at least a year ?

A. Yes, sir.

Q. What led you to use that name ?

A. Heard the boys use it.

Q. What led you to use that name ?

A. I have heard it said that the school-ship boys first used that name.

Q. Do you remember when the sweat-box was set up ?

A. Yes, sir.

Q. Who made it ?

A. Our carpenter.

Q. Have you had more than one ?

A. No, sir.

Q. Why was it placed in this particular position ?

A. So that we should know where it was, and hear any outcry.

Q. Did you ever know any visitor to the institution to be taken to the sweat-box ?

A. No, sir.

Q. Is it your opinion that any official visitor, except the trustees, was ever shown the sweat-box ?

A. No, sir; except this Committee. The superintendent may have done so; I don't know anything about it.

Q. (By Mr. PRESCOTT.) Were the Committee shown the sweat-box on the first visit to the institution ?

A. I don't know.

Q. (By Mr. SANBORN.) Who had the key to the room in which the sweat-box was?

A. All the officers of the institution.

Q. Are there 25 keys to that room?

A. It is the same key that we use on the other doors. It is the institution key.

Q. You understand that no official visitors, until this Committee came, were shown the sweat-box?

A. No, sir; not to my knowledge.

Q. (By the CHAIRMAN.) Do you know anything about it,—whether they were or not?

A. No, sir.

The CHAIRMAN. You had better put it in that form.

Mr. SANBORN. Mr. Chairman, I have already asked the question in a form that satisfied me.

The CHAIRMAN. The Committee want all the information they can get, but the question put in that way gives us no information whatever.

Q. (By Mr. SANBORN.) What members of this Committee have seen the sweat-box?

A. I do not know; I did not look at them.

Q. Have you ever been present with any visitor when the sweat-box was examined?

A. No, sir.

Q. Have you ever measured the sweat-box?

A. No, sir.

Q. Was the sweat-box ever called in the institution the wooden strait-jacket?

A. I think not. It was put up as a substitute for the strait-jacket; that was understood.

Q. But it never was called the wooden strait-jacket.

A. No, sir.

Q. I believe I asked you if you had ever seen this strap?

A. I have seen a strap similar to that.

Q. Have you any knowledge whether this is the strap with which Rawson flogged the boys?

A. I have not.

Q. Have you ever seen that strap?

A. I think I saw it in room No. 16; I think I saw such a strap.

Q. Here at the State House?

A. Yes, sir.

Q. Did you ever know an officer of the institution to be discharged or reprimanded for severe punishment?

A. No, sir. I have known an officer to be discharged.

Q. How many have you known to be discharged?

A. Two or three.

Q. What were their names?

A. Mr. Juno, I think, was one; an officer from Westborough, I have forgotten his name now.

Q. Do you have the payment of the officers?

- A. I do.
- Q. Then you always knew when an officer was discharged?
- A. I always knew when he was going to leave.
- Q. Did you not know when he was discharged?
- A. No, sir.
- Q. You knew the fact that he was going?
- A. Yes, sir.
- Q. For what offence did you ever know an officer to be discharged?
- A. I know that officer Juno was discharged because Col. Shepard did not consider him a proper person.
- Q. Was an officer ever discharged for using profane language?
- A. I do not know.
- Q. Did you ever hear an officer using profane language?
- A. Yes, sir.
- Q. Did you ever use it yourself?
- A. I have used it some in the past.
- Q. While an officer in the institution?
- A. I do not know that I have.
- Q. Whether or not you have any knowledge of officers being discharged in former years for using great severity? Did you ever hear of such a case?
- Mr. SANBORN. I believe that is all.
- A. No, sir.
- Q. (By Mr. TRAIN.) Mr. Chase, you say there is but one sweat-box there?
- A. That is all, sir.
- Q. What is the average of boys since you have been there for the year,—the average number of boys in the school?
- A. From 16 to 17.
- Q. I mean, the number in the whole institution; whether 200, 300, or 500?
- A. From 320 to 340; I guess, 330.
- Q. Then, with regard to the sweat-box, some of the boys must have been slighted there?
- A. A good many of the boys have never been there.
- Q. You do not mean to convey the idea that the box is used indiscriminately?
- A. Very few boys get into that sweat-box.
- Q. (By Mr. HYDE.) Now, see if I understand one thing about the matter of keeping the records. You are the one who keeps the books of the institution, or all except the finance books?
- A. I keep the finance books.
- Q. You keep all of the books together. Now, as to the punishments by whipping; the rule is, that the officers shall make a report upon a blank?
- A. Yes, sir.
- Q. And these blanks are filed in the office?
- A. Yes, sir.
- Q. Now, so far as the lodge is concerned, when a boy gets into the lodge, he is reported to you?

A. To the superintendent, if he is there; and if he is not, to me.

Q. And that is entered upon the book?

A. Yes, sir.

Q. And that is all the record that is kept?

A. As far as the office is concerned.

Q. That is, in regard to flogging and imprisonments in the lodge?

A. Yes, sir.

Q. Now, what are called minor offences, such as sitting on the brace in the yard; there is no record of these?

A. No, sir.

Q. Now, when a boy goes into the box, is any record kept at the office?

A. No, sir.

Q. Is there any record of the strait-jacket punishments?

A. No, sir.

Q. Therefore, the only record kept at the office are of the boys put into the lodge, and the reports which are filed. Now, have you ever visited the schools similar to this of other states?

A. Yes, sir.

Q. What ones?

A. Of Maine, New Hampshire, and Meriden, Connecticut.

Q. Now, as to the size of the boys that are there, as compared with the boys at Westborough?

A. In Maine, the average was between 12 and 13; in the other two schools it was about the same.

Q. When were you there?

A. I visited the Maine school in 1876; also the New Hampshire school. I visited them all in 1876.

Q. How long were you at each school?

A. I stopped overnight at the New Hampshire school, overnight at the Meriden school, and one day at the Maine school.

Q. You saw the boys when you were there?

A. Yes, sir.

Q. How are these institutions in regard to numbers?

A. The Maine school had 113, the New Hampshire about the same, and the Meriden about 300.

Q. (By Mr. SANBORN.) Did you ever see a sweat-box at any of these schools?

A. No, sir.

Q. (By Mr. HYDE.) Now, in regard to the boys that are at the Reform School now, had the school ship broke up when you came there?

A. Before I came.

Q. So these boys came there when you were there?

A. Some of them were there when I came.

Q. Now, the boys you have the most trouble with; are they the younger boys?

A. They are the 18 and 19 and 20 years' old boys.

Q. The older boys?

A. Yes, sir.

Q. These are the boys that give the most trouble to the institution?

A. Yes, sir.

Mr. HYDE. I think I have nothing else to ask Mr. Chase.

Mr. SANBORN. I would like to ask a few questions.

Q. (By Mr. SANBORN.) You testified you never saw a sweat-box at the Maine, New Hampshire or Connecticut institutions?

A. Yes, sir.

Q. Whether or not you had knowledge of its use there?

A. I have heard it said that the sweat-box was used at the Meriden School.

Q. How have you heard?

A. I have heard Mr. Wheatley say so,—I think it is the Meriden School.

Q. You were at Westborough when the sweat-box was introduced; did you understand the idea of it was taken from the Meriden School?

A. Yes, sir; I did.

Q. (By Mr. PRESCOTT.) Are boys from the trust-houses sometimes punished by confinement in the sweat-box?

A. Sometimes they are, but it is very rare.

Q. Have you ever seen a round tug or trace used as a weapon of punishment there?

A. No, sir.

Q. Have you never seen any of the officers have a round tug?

A. I have seen a round tug at the institution, but I do not know who had it, or who used it—I do not know at this moment.

Q. When these records are made by the officers of the institution, they are brought in to you, as clerk?

A. Yes, sir.

Q. Have you ever known the trustees, or any of them, to examine these records of punishment?

A. I have known the superintendent to take them, and I presume he gave them to the trustees.

Q. Have you ever known them to examine them?

A. I do not know what papers he introduced to them.

Q. (By Mr. HYDE.) You were not present during the meetings of the board?

A. No, sir.

STEPHEN ARMITAGE—*Sworn.*

Q. (By Mr. HYDE.) What is your name?

A. Stephen Armitage.

Q. What is your position?

A. Overseer of the first chair-shop.

Q. How many boys in the shop under your charge?

A. Seventy-two, last month, I think.

Q. Is there another chair-shop?

A. Yes, sir.

The CHAIRMAN. Do you wish to proceed, Mr. Hyde?

Mr. HYDE. I do not care what the order is, it makes no difference to me.

THE CHAIRMAN. Well, as we have commenced on the other witnesses, perhaps we had better continue in that order.

MR. HYDE. I have asked him his name, and if he had charge of the first chair-shop.

Q. (By the CHAIRMAN.) How long have you been in the institution ?

A. Nearly five years.

Q. Your duty is that of overseer of the chair-shop ?

A. Yes, sir.

Q. Do you know about the punishment of the boy Watson, as stated by Mr. Hinckley ?

A. I know about it ; I have heard of it.

Q. You only heard of it ?

A. Yes, sir ; I did not see the boy punished.

Q. Did you see him after he was punished ?

A. Yes, sir.

Q. You did not know anything about his punishment ?

A. No, sir.

Q. Or what he had received it for ? Of your own knowledge, you did not know anything about it ?

A. No, sir ; I did not.

Q. Did you punish boys yourself ?

A. I did.

Q. How did you punish them ?

A. In various ways.

Q. Name the ways.

A. By the strap, the lodge, the box, standing on the line, and depriving them of their play.

Q. Have you ever punished a boy by flogging ?

A. No, sir.

Q. Never punished by that method ?

A. No, sir.

Q. Never by the use of the strap ?

A. Well, I call that punishing ; I do not call it flogging.

Q. How have you used the strap when you have used it ?

A. On the hand and on the buttock.

Q. How do you discriminate between that mode and what you would call flogging ?

A. I should call flogging taking the boy's clothes off entirely.

Q. When you have punished boys on the buttock, you have not taken their clothes off ?

A. No, sir.

Q. What kind of strap have you used ?

A. I have used both the flat and the round.

Q. You do not mean like the two on this table ?

A. Similar to the one this way.

Q. What is the round one ?

A. It is a piece of a check-rein.

Q. Have you ever punished by the strap, or the round check-rein, so as to break the skin ?

A. I do not remember any such case. I never saw any skin broken on any boy I ever punished.

Q. You say you have punished boys by putting them in the sweat-box?

A. Yes, sir.

Q. Now, when you put a boy in the sweat-box, for how long time do you put him in there?

A. If a boy goes in in the morning, I take him out at noon and leave him in until night. If a boy goes in at noon I take him out at night.

Q. Should you put him in the next day?

A. No, sir; I do not remember putting one in more than once. There might be such a case.

Q. Sometimes, did you take him out at noon and not return him after dinner?

A. After he was taken out at dinner time, if he did not talk about release.

Q. If what?

A. If he did not talk about release.

Q. Well, but a boy naturally would ask for it after he had been in there five minutes?

A. I have seen those who preferred to stay there, rather than ask to be let out.

Q. Do you mean to say that he would not promise to do better?

A. If he would promise to do better, he was usually let out.

Q. If he did not promise to do better, that was the reason for keeping him there, was it?

A. Yes, sir.

Q. Did you ever know a boy, when you took him out, appear to have suffered by being kept there?

A. I do not remember any such case in which one appeared to have suffered from confinement in the sweat-box.

Q. Did you ever see a boy's legs black and blue, and the cords swollen, by being kept there?

A. No, sir.

Q. Did you ever see boys' hands swollen by being kept there?

A. I do not remember any such case.

Q. (By Mr. TRAIN.) Should you be likely to?

A. I think I should, although I do not remember all these punishments.

Q. (By the CHAIRMAN.) Did you ever punish a boy,—you never have, I suppose, by the use of cold water? You never turned cold water on a boy to punish him?

A. No, sir. I have been present when it was done.

Q. Who did it?

A. Colonel Shepard.

Q. Was that the case of the Goss and Turner boys?

A. Yes, sir; I think it was their case.

Q. At any other time, have you seen boys punished by the use of water?

A. I think I have, once since then.

Q. What was that case?

A. I do not remember the circumstances of the case. The boys were in the lodge at the time for some misdemeanor they had committed.

Q. Well, do you remember the boys' names?

A. Langdon was one.

Q. Well, you were present when the water was poured upon them, were you?

A. I was; yes, sir.

Q. Well, what was the cause of water being poured upon him? What do you remember about that particular case?

A. Why, I remember I was present when the water was let on to Langdon in the lodge.

Q. Well, was the boy noisy or demonstrative in any way that caused the water to be poured on him?

A. I say I do not remember the cause of the water being put on him.

Q. How long was the water put on him?

A. Perhaps three or four minutes; it may have been five.

Q. Did the boy appear to suffer by it?

A. Well, he hollered when it was put on. I do not know how much he suffered.

Q. Was the boy, after the water was put on, taken out?

A. I think he was.

Q. You do not know particularly about it, one way or the other?

A. I do not remember whether I stayed through the whole of it or not. Boys are usually taken out and put to bed.

Q. Do you know of any punishing of boys by floggings in the institution which you thought were unnecessarily severe?

A. No, sir.

Q. Do you know of any punishments of the boys at the institution by the use of the sweat-box, which you think were unnecessarily severe?

A. No, sir.

Q. Do you know of any punishments of boys in the institution by the use of cold water, that you thought were unnecessarily severe?

A. No, sir.

Q. Have you ever seen any evidence of boys punished by either one of these three modes?

A. No, sir; I do not remember any case.

Q. Then you do not consider that the discipline of the institution is too severe?

A. I do not.

Q. Were you present, in the dining-room, on the 12th of January, when that riot commenced?

A. No, sir.

Q. You were in the school-room?

A. I was in the school-room.

The CHAIRMAN. We do not care to go into that 12th of January affair. I have no further questions to ask. Mr. Prescott, have you any questions?

Mr. PRESCOTT. I do not think of any just now.

Q. (By Mr. HYDE.) Now, you keep a book, do you, at the institution?

A. I keep a department book.

Q. Is it one of these books here?

A. I think it is. This is my book. [Taking out a book from several lying on the table.]

Q. Do you keep the whole of that book?

A. When I am at the shop. If I am away for a few days, some one else keeps it.

Q. Yes, but is it intended to be a book of your own?

A. Yes, sir.

Q. When you are there, you are the only one to keep it?

A. Yes, sir.

Q. You may explain the method of keeping that book; first, you have a list of the boys, including every boy in the shop. Now, suppose a boy leaves?

A. I put it down, if I know where he is.

Q. I am speaking of the time when he leaves your room?

A. If he leaves my room, and I know where he goes, I make an entry.

Q. Now, suppose a boy comes in—some new boy?

A. I enter his name on this book.

Q. And the day when he comes there?

A. Yes, sir.

Q. So that, if a boy leaves there, he is entered; and if he comes there, he is entered?

A. Yes, sir.

Q. Now as to the department; is there a daily record made?

A. Yes, sir; every day.

Q. Of each boy?

A. Yes, sir.

Q. Upon what scale?

A. If his deportment is good, he gets four; and if it is not quite up to the mark, he gets three.

Q. Well, good deportment is four?

A. Yes, sir.

Q. That is your highest scale?

A. Yes, sir.

Q. Now, is there anything done with those department marks?

A. They are entered on the great book at the end of every month.

Q. Do you make a report?

A. I copy the marks into the great book.

Q. That is, do you carry it out in detail or in an abbreviated shape? Let us see what you do. [Turning to the great book.] Now, this is what you call the great book?

A. Yes, sir.

Q. Now, by examination, I see this is put down and classified by months. Is a boy put down for the school and for the workshop?

A. Yes, sir.

Q. I see, by examining the book, one boy, in the month of February, is marked "Work 13"; by that he lost that number of marks during the month?

A. Yes, sir.

Q. Suppose he had good marks all through the month, do you make any entry of that?

A. I put down a cipher.

Q. That is, in other words, the great book made up by the month shows the standing of the boy by the number of marks he has lost, and, if he has lost none, that is good deportment. Now, you only make a record of what occurs in your shop?

A. That is all.

Q. If a boy is in school, and there is any count made of his conduct there, it is done by the teacher?

A. Yes, sir.

Q. Take your examination and conduct of the boys in the dining-hall, in the yard, etc.,—I am not speaking now of punishments, but what would be called credits,—that is the only place where the system of credit prevails in the shop and in the schools?

A. The watchman, I see, has a list headed that way, but I do not know whether he carries it out or not.

Q. Now, take your book. Suppose a boy under your charge is punished by whipping, what entry do you make there on your book?

A. That is put on a form.

Q. Is there any record made upon that book?

A. No, sir; the record is made upon one of the forms, which is returned to the office.

Q. Is there any entry made as to his credits?

A. If he loses, he is marked one, until he loses enough to be punished.

Q. He loses so many credits on your book, and then you report him to the office. Suppose a boy is sent to the lodge, what entry do you make?

A. I mark on my book, "lodge."

Q. When is that made?

A. At the time he gets in. If he is put in the lodge in the afternoon, he is reported to the office, and the next morning he is accounted for at the shop.

Q. Well, suppose this afternoon a boy goes to the lodge, what entry do you make?

A. I do not know anything about it until the next morning. I report him as absent, and they return the book stating where he is. If he is in the lodge, I put it against his name.

Q. Well, suppose you send a boy to the lodge yourself?

A. As soon as I send him the next entry indicates it.

Q. Do you make any record whether he is sent morning or afternoon?

A. No; my position is in the forenoon, usually. Somebody else has the afternoon; another school takes the boys. The boys work until 2 o'clock in the afternoon.

Q. So in the shop you have but one session?

A. No, sir.

Q. Therefore, if a boy in the morning hour is sent to the lodge, it is merely put against his name, but it would be proof that he went there during the morning hours. Now, suppose the boy is there next day?

A. I leave the blank place against his name until he returns.

Q. That is, your book indicates, by following it along, the number of days he is in the lodge until he returns. When he returns, you begin to make his deportment again?

A. Yes, sir.

Q. Suppose a boy goes into the strait-jacket from your room?

A. I generally mark S. J. against his name, if I know he is in it.

Q. Well, suppose you know he is in it?

A. I usually mark S. J. against his name.

Q. If you send a boy to the lodge, you mark "lodge" upon your book. Now, suppose a boy is in the school-room, and is sent to the lodge from school for misconduct there, you may explain how it is kept.

A. He does not report for duty next morning, and I report him to the officers; the officers report to me that he is in the lodge.

Q. How do you get the report?

A. I get the report from the office.

Q. Then you enter it?

A. Yes, sir.

Q. When he comes back, you strike off the word "lodge," and make his deportment?

A. It goes on again.

Q. Suppose he goes into the strait-jacket or into the box from your room; do you make an entry of it?

A. I report the case to the officers, and enter it on the book.

Q. And while he is gone, do you keep the same record?

A. Yes, sir; I calculate to.

Q. Now, suppose he is sent from the school-room, he is absent next day, and the report comes to you?

A. Yes, sir.

Q. You make the same entry; therefore your book shows from day to day where your boy is, and what his conduct is?

A. Yes, sir.

Q. Every boy that is in your room?

A. Yes, sir.

Q. Now, is there any copy of that book, or anything made up by you except the deportment for the month as already given us, and carried forward in any other book, so far as you know?

A. From this?

Q. From that.

A. No, I simply put his mark into the great book.

Q. Is there any other record or transfer of that kept in any other book?

A. No, sir; not that I know of.

Q. This book you are required to keep?

A. Yes, sir.

- Q. That is a book with which you are furnished ?
A. Yes, sir.
Q. And when it is used up, you have another furnished ?
A. Yes, sir.
Q. Is Mrs. Armitage at the school also ?
A. Yes, sir.
Q. What has she charge of ?
A. The hospital.
Q. Now, after the boy Gartland died, did you see the body ?
A. I did.
Q. Under what circumstances ?
A. I was in the office at the time it was reported, and I went to the lodge immediately.
Q. Did you take charge of the body ?
A. Yes, sir.
Q. Did you see the body yourself ?
A. I did.
Q. Now, were there any marks upon the back ?
A. Sir ?
Q. Now, were there any marks upon the back ?
A. No, sir.
Q. Did you see the back of the body ?
A. Yes, sir ; I saw the whole of the body.
Q. I suppose it is useless to ask you, but was any beefsteak applied to the body ?
A. No, sir ; not while it was in my charge.
Q. Now, speaking of Mrs. Armitage ; what were her duties at the hospital ?
A. She has charge of the sick, and any boy who is sick sends for her.
Q. Has she any other duties there except the care of the sick ?
A. No, sir. She takes care of the hospital clothing of course.
Q. I mean, she has no care of any other department ?
A. No, sir.
Q. McKenna testified to being put in the box by you with his hands strapped behind him ?
A. I presume I put him in the box.
Q. He said you strapped his hands so tight that they swelled badly ?
A. I do not remember seeing his hands swollen at all.
Q. You remember the boy ?
A. I remember McKenna.
Q. Do you remember his being put in the box ?
A. Yes, sir.
Q. Do you remember whether his hands were strapped or not ?
A. I could not say. The strap was used when the box was first put up ; but it has not been for a long time of late.
Q. Well, do you remember whether or not you strapped his hands ?
A. I should not want to swear I did or did not.
Q. When he came out of the box, did he come back to you ?
A. Yes, sir.

Q. Did you ever notice his hands being swollen ?

A. No, sir.

Q. Now, it has been said that you punished with a round tug. You have spoken of punishing with a round check-rein. I want to know if you punished with a round tug ?

A. I did not.

Q. No boy there ?

A. No, sir.

Q. But with the check-rein ?

A. With the check-rein and the strap.

Mr. HYDE. I believe that is all I have to ask you.

The CHAIRMAN. You may be excused.

Mr. SANBORN. I would like to ask a few questions.

Q. (By Mr. SANBORN.) Will you examine these reports, and see if you made them ? These, Mr. Chairman, are the reports of punishments from the 1st of April, 1876, to the 1st of March, 1877. I do not find the return for the month of March, 1876.

A. I did ; these are mine.

Q. Will you state to the Committee at what time in the month you made these reports ?

A. The first day of every month.

Q. Without fail ?

A. I think so.

Q. You are quite sure about that ?

A. I think so.

Q. From what did you take these dates in regard to the punishments ?

A. I had always kept a memorandum ; and if I punished a boy, I put his name down.

Q. Now, will you read that. [Handing him a punishment blank.] First read the indorsement on the back, and please read it aloud ?

A. [Reading] September 30th, 1876. Stephen Armitage.

Q. Now read the date inside ?

A. [Reading] August 31st to October 1st, 1876.

Q. Now read the first entry ?

A. [Reading] "October 10." That is a mistake, probably, in the date.

Q. Now, how could that mistake have arisen ?

A. I suppose it was a blunder of mine.

Q. How did it happen that in entering punishments for the month of August, you entered them for the month of October ?

A. Well, I say it is merely a mistake in the month.

Q. Will you swear that that record was not made in the month of October or November ?

A. Swear that it was made when ?

Q. Will you swear whether the report which is indorsed September 30th, 1876, was not made in the month of October or November ?

A. I should swear it was made in the month it is called for.

Q. What month is that ? It says here, October.

A. September 30th, 1876.

Q. Now, it is intended to be the punishments for September, is it not ?

A. I could not say that.

Q. But all the entries are in October ?

A. Yes, sir. I made the mistake in calling it October, instead of September.

Q. Did you copy these dates from your memorandum-book ?

A. Yes, sir.

Q. These were the dates copied from your memorandum-book ?

A. Yes, sir.

Q. You see the paper is at variance with your memorandum-book ?

Mr. HYDE. There seems to be one for October and one for August; then here is another for October.

Mr. SANBORN. I am questioning the witness, Mr. Hyde, and I shall come to that immediately.

Q. (By Mr. SANBORN.) Now, will you compare these two blanks together, and state which is the true record for the month of August ?

[Handing the witness blanks indorsed "Sept. 30th, 1876," and "Aug., 1876."]

A. I simply looked at the names of the month. I suppose this [Blank endorsed "Aug., '76,"] might be a record of the punishments from July to September.

Q. Now, will you look at that [Blank endorsed "Oct., '76,"] and state in what month these punishments were inflicted ?

A. These are for October.

Q. Now, you have two reports for October. Will you state which of these is correct ?

A. Probably one of these is for October, and the other for September.

Q. Which one ? Will you mark it ?

A. Probably the one with the date.

Q. Have you any means of identifying it ?

A. If I had the old memorandum-book, I could swear to it.

Q. Is that in existence ?

A. I suppose it is.

Q. Well, will you bring it or send it to the Committee, so that we may see which of these is the true report ?

The CHAIRMAN. Are there two for October, and one for August, and none for September ?

Mr. TRAIN. Mr. Chairman, I will state that the writing on the back and on the inside is entirely different, and it may have been wrongly indorsed.

The CHAIRMAN. I understand there is one for August, none for September, and two for October.

Mr. HYDE. That is the fact.

The CHAIRMAN. That is the fact, Mr. Sanborn, is it ?

A. Yes, sir.

The CHAIRMAN. Then, is it material which of these is for September ?

Mr. SANBORN. I wish the witness to testify when he made these reports; that is the point.

The CHAIRMAN. Is that material ?

Mr. SANBORN. I think it is.

The CHAIRMAN. Very well.

WITNESS. I have testified that it might be a mistake in the month.

Q. (By Mr. SANBORN.) It is very evident there is a mistake, and the mistake is made in your handwriting?

A. Yes, sir.

Q. Now, will you, at some future time, inform the Committee from your memorandum-books what the facts are? I do not think it will be necessary for you to come before the Committee.

Mr. TRAIN. I do not like to be mistaken, Mr. Sanborn. Do I understand you to say that the writing on the back of these records is the same as that on the inside?

Mr. SANBORN. No, sir.

Mr. TRAIN. I thought you did.

WITNESS. The writing on the inside is mine, but that on the outside is not.

Mr. SANBORN. Will you read the whole paper until you are requested to stop?

WITNESS. [Reads.] "Record of corporal punishment inflicted by Stephen Armitage from August 31st to October 1st."

Mr. SANBORN. Now read on.

WITNESS. [Reads.] "October 10th"—

Mr. HYDE. It is very evident it should have been written September, rather than October.

Q. (By Mr. SANBORN.) I find, Mr. Armitage, if my computation is correct, that in the month of August last, assuming this that is marked October to be the record for August, as I suppose it is, that in August you inflicted 117 blows on different boys; in the month of September, 78; in the month of October, 96; in the month of November, 123; in the month of December, 102; in the month of January, 56; in the month of February, 40. Now, will you explain why you should have inflicted 123 blows in November and only 40 in February?

A. I suppose the boys in November happened to need it.

Q. Was there any other cause?

A. I do not know.

Q. Was the matter of excessive punishment talked over at the institution during the month of January?

A. I do not remember.

Q. You just testified that it was.

A. I might have testified so; I do not remember.

Q. Were you present at a meeting of the officers in the month of January, when punishments were discussed?

A. Yes, sir.

Q. These punishments were discussed in the month of January?

A. I presume so.

Q. Are you ready to swear that your diminution of punishments from 102 in December, and 123 in November, down to 40 in February, was not in consequence of this meeting?

A. I am, sir.

Q. You testify that it never did?

A. Yes, sir.

Q. Absolutely?

A. Absolutely.

The CHAIRMAN. When was that meeting?

Mr. SANBORN. It was in the month of January; the date is not fixed.

Q. (By Mr. SANBORN.) Can you fix the date, Mr. Armitage?

A. No, sir.

Q. Was it before the 15th of January?

A. I could not tell. I could not say whether it was the first or the middle.

Q. Do these records comprehend the records of the punishments you inflicted?

A. Yes, sir; I presume they do.

Q. Now, you testify that all these punishments were inflicted with the strap, except in one instance, and that, by the record, seems to have been inflicted with a cane. Do you remember when you did not punish with the strap?

A. I do not remember now. I used to have a little, small rattan.

Q. And that you called a cane, probably?

A. That is what I called a cane, probably.

Q. Which inflicted the most severe punishment, the strap or the cane?

A. I do not know.

Q. What is your opinion?

A. There was nothing very severe about the cane.

Q. What sort of a strap do you use?

A. Similar to that. [The lighter strap.]

Q. Is it as heavy as that?

A. I should think so.

Q. Have you ever used a strap of that kind? [The piece of a trace.]

A. I never have.

Q. Never seen a strap of that kind?

A. Never have.

Q. Have you ever heard of any strap of that kind being used?

A. I do not remember it.

Q. You testify that the punishment in all cases was severe, and that it was administered, in all cases, with one exception, by the strap, and that the result, in all cases, was good?

A. For the time being; I had to report it. It was good for the offence.

Q. Now, what I want to get at is, how do you know the effect is good?

A. I know by the boys' behavior.

Q. Now, state to the Committee what the signs of goodness or repentance are, after the punishment of a boy with a strap.

A. Well, if a boy is punished for continual disorder, and the punishment has a good effect, he will go back and attend to his work several days.

Q. I observe in several cases you have punished boys for laziness with a strap, and you testified the effect was good. Here is one: Fred Bailey,

on the 1st of December last, was punished severely by ten blows with a strap, for laziness. Now, how did that laziness manifest itself?

A. He did not get his work off in time.

Mr. HYDE. He sogered.

Q. (By Mr. SANBORN.) What effect followed the punishment of Bailey?

A. He would get his stint off for a number of days, and then get lazy again.

Q. You do not mean to refer to the activity he showed while undergoing the punishment?

A. No, sir.

Q. Well, here is a boy named Fulton punished in the same way for laziness, 10 blows with a strap; effect, good. The result was the same, was it?

A. I presume it was.

Q. In what part of the institution are your duties, Mr. Armitage?

A. In the chair-shop.

Q. What duties have you in the dining-hall?

A. I have charge of the supper-room.

Q. Here is a boy named Cadron who received 10 severe blows for playing in the dining-room; do you remember that case?

A. No, sir.

Q. The effect was good. Now, on the 14th of December, you report you punished William Timothy. We will come first to the case of William Shanahan, who received 25 severe blows with the strap for playing on the parade. These were severe, and the effect good. Did you count the blows?

A. I usually did. In this case, the boy afterwards received promotion for good behavior.

Q. Did any of these boys receive punishments, so far as you recollect, for resisting or assaulting an officer?

A. In these reports?

Q. Yes, sir.

A. I do not remember.

Q. Were you ever resisted by a boy?

A. I have had boys refuse to be punished.

Q. Have you ever been struck by a boy?

A. I was, once.

Q. More than once?

A. Yes, sir, twice.

Q. In these 11 months—I have not counted up the number, but you seem to have punished something like 100 boys. Now, how many of these boys resisted you either before, during, or after the punishment?

A. I do not know that any boy on that list resisted.

Q. The cases you speak of occurred within the past year? Then only one out of 100 has resisted. How long have you been in the institution?

A. Nearly five years.

Q. Were you there under Mr. Evans?

A. I was.

Q. Did you punish as severely under Mr. Evans as during the past year?

A. Yes, sir.

Q. More, or less severe?

A. More so.

Q. How many boys in a year did you punish then?

A. I do not know; the strap then was used in all parts of the institution.

Q. Did you use this strap?

A. I used a round strap and a large rubber strap.

Q. On what part of the boy's person did you inflict these blows. Here are eight blows inflicted on Tom Connors for playing in the dining-room?

A. Usually on the hand.

Q. Have you ever punished on the naked back?

A. No, sir.

Q. Never?

A. Never.

Q. Have you ever punished a boy's back with his jacket off?

A. Yes, sir.

Q. How often?

A. Not more than once or twice.

Q. Have you ever inflicted these punishments in anger?

A. No, sir.

Q. Now, the sweat-box; have any of your boys been confined in the sweat-box?

A. My boys?

Q. Yes, the boys under your charge?

A. Yes, sir.

Q. When was the last boy so confined?

A. Nearly two weeks ago.

Q. Nearly two weeks ago?

A. As nearly as I can recollect.

Q. How long was he in the sweat-box?

A. Seven hours.

Q. How long were any of your boys ever kept in the sweat-box?

A. I do not remember the exact number of days.

Q. Did you ever keep a boy there two days?

A. I do not remember such a case.

Q. Did you let out your own boys?

A. Yes, sir; most always.

Q. What condition were they in when they came out?

A. Good, most of them.

Q. Do you mean morally good or physically good?

A. Physically good.

Q. Morally, also, were they not?

A. No, sir; not always.

Q. Then, the punishment did not always have a good effect?

A. Not always.

Q. Which had the best effect, in your judgment: strapping a boy, or putting him in the sweat-box?

A. Strapping lasted the longest.

Q. Well, let us understand exactly what you mean by that. It has been testified here that the discoloration on a boy's back sometimes lasted two days; you do not refer to that?

A. No, sir.

Q. You refer to the moral effect. You testify that the moral effect of whipping, strapping and flogging is better than that produced by the sweat-box?

A. I judge from their behavior.

Q. Then, why did you use the sweat-box?

A. The strap had been used and did not have the desired effect.

Q. Was the sweat-box considered more severe?

A. I did not consider it so.

Q. Why, then, did you not resort to it first?

A. I thought I would use the strap first.

Q. Why?

A. I thought it was a quicker way of punishing, and would do the boy more good.

Q. When a boy is put in the sweat-box it keeps him out of the shop for a little while?

A. Yes, sir.

Q. He is not able to do his work?

A. He cannot do any work while he is in the box.

Q. Were any of your boys played upon by the hose?

A. Yes, sir.

Q. With your knowledge and consent?

A. With my knowledge.

Q. How many such cases were there?

A. These boys were making a disturbance in the lodge; they were confined in the lodge at the time.

Q. I am not speaking of those. Did you ever have, in the shop or dining-room, any boys played upon by the hose for any offence committed there?

A. No, sir; I do not remember any.

Q. Can you name to the Committee the three worst boys under your authority during the last year?

A. That are there now?

Q. Yes, sir; or have been within the last year. Name three boys who are absolutely the worst you have had.

Mr. HYDE. Mr. Sanborn, I think you had better apply it to some boys who have gone out of the institution.

Mr. SANBORN. I do not see the necessity of it. We have had evidence showing that these boys were the scum of the earth, and that this is the reason why this discipline is inflicted. Now, I wish to find out which of these depraved boys was the worst, under Mr. Armitage, who has been there five years.

Mr. HYDE. I would suggest that you take some of the boys that have gone out.

Mr. SANBORN. Well, why should I injure the character of a boy who is out in the world?

The CHAIRMAN. Well, if you can answer promptly, do so. I should rather hear the testimony of the boys.

Mr. SANBORN. Name one who is the worst.

Mr. HYDE. I do not see as it is of any advantage.

The CHAIRMAN. Not wishing to interrupt you a single moment,—a good deal of the ground has been gone over before with this same witness, and, while the Committee are willing to be patient and hear all the evidence that will give them any information, it is quite tedious to hear so much repetition, and if you can avoid it we can get along faster.

Mr. SANBORN. Has this question been asked before?

The CHAIRMAN. Not that particular question.

Mr. SANBORN. I should like to have this answered.

The CHAIRMAN. I think he said he did not know.

Q. (By Mr. SANBORN.) Which one of your boys has been the worst during the past year?

A. I think the boy who has given me the most trouble was Crowley.

Q. Is he the boy who began the trouble?

A. No, sir; Collins.

Q. You testify that your worst boy is Crowley.

A. He has given me the most trouble the last year.

Q. How many times have you punished him?

A. I do not know.

Q. Have you punished him at all?

A. Yes, sir.

Q. In what way?

A. I have put him in the lodge.

Q. Have you strapped him?

A. I do not remember.

Q. Should you remember, if you had?

A. The cases are so many I cannot remember all of them.

Q. Will your records show?

A. I presume so; if it is on the record, I presume he has been strapped.

Mr. SANBORN. Then I want the Committee to recognize this fact, that he testifies that Crowley is his worst boy.

The CHAIRMAN. Does the witness testify positively that he is his worst boy.

Mr. ARMITAGE. I say he is.

The CHAIRMAN. We have had a little testimony about that boy Crowley from every witness.

Mr. SANBORN. I have known Mr. Armitage a good long time, and I consider his judgment rather better than that of some other officers, because he has had a good many under his charge.

Mr. HYDE. You think he has had a little experience under you?

Mr. SANBORN. No officer of the institution was ever under me. I did not consider it so.

Mr. HYDE. I thought it was because these old officers were all pupils of yours.

Mr. SANBORN. Oh! no, sir. Does Mr. Hyde make the statement seriously?

Mr. HYDE. I supposed that it was in this way, that when secretary of the board, in a general sense, you were at the institution and from time to time gave instruction to the officers then connected with it.

Mr. SANBORN. No, sir.

The CHAIRMAN. The Committee do not care anything about it, one way or another.

Mr. SANBORN. It is the difference between being in jest and serious.

Q. (By Mr. SANBORN.) Now, Mr. Armitage, is it your opinion that the most depraved boys get punishment most frequently at the institution?

A. No, sir.

Q. Why not?

A. Some think it does not do them any good, and they try to talk to them more than to other boys.

Q. Any other reason?

A. I do not think of any.

Q. These boys that are hard and depraved are taken and talked to. What class of boys is punished most frequently?

A. I do not know as I can state.

Q. Is it the older boys, from 16 to 20?

A. I make no distinction if a boy deserves his punishment.

Q. I understand that; I am not asking you of your own.

A. Those are all I want to answer for. I know of no other punishments but my own.

Q. Well, about your own punishments?

A. I make no distinction in regard to age. I do not take out a small boy because he is a small boy and punish him.

A. I understand; but, as a matter of fact, have you punished the boys over 16 any more frequently than those under 16?

A. I do not know as I have so frequently.

Mr. SANBORN. This is my point, Mr. Chairman, and I call the attention of the Committee to it. It has been testified to here, and said, that these punishments are inflicted because these larger and older boys are sent there. Now, here is a witness who testifies, and I think testifies truly, that he has not inflicted any more punishments on boys over 16 than boys under 16. That is all.

Q. (By Mr. HYDE.) One of your cases of punishment was stated by Mr. Sanborn to be that of a boy who struck you?

A. One boy struck me.

Q. Who was the boy?

A. Thomas Kelly.

Q. Was there not a Fugh boy, too?

A. That was a second boy.

Q. Take Kelly; what was the fact about him?

A. There was some trouble he had in regard to a chair in the chair-shop. I think he thought he ought to have credit for a chair and did not get it. I was passing along the corridor after the boys had gone to bed and saw him standing at his door; I asked him why he was standing at the door; he said he was waiting for me, and he came upon me and struck me and then jumped back into his dormitory. I told him to come out, and took him down into the watchman's office and strapped him.

Q. Now, take the other case of the Fugh boy?

A. The Fugh boy was disorderly in the shop; I was taking him to the office, and he refused to go; when he got into the yard, I pulled him back into the entry, and he made a pass at me and struck me in the mouth.

Q. In both of these cases you were struck with the fist?

A. Yes, sir.

Q. Now, were you in the shop at the time the Watson boy came running in, when he was having the trouble with Mr. Wheatley?

A. Yes, sir.

Q. State what occurred in your shop?

A. He started for the centre of the shop, where some of his friends were; I followed him up and tried to quiet him, but he would not be quieted. Several boys collected around him, and I told them to go to work. Then he came back, and they took knives and awls and passed into the yard. I followed them, and finally got the knives and awls, and the boys returned to the shop.

Q. Now, when Watson came into the shop, did he say anything to the other boys?

A. Yes, sir; he spoke to the boys.

Q. So that you could hear him?

A. Yes; I was with them.

Q. I say, did you hear him?

A. I heard a part of his conversation.

Q. State in substance what he said?

A. He said the sons of bitches had been licking him; and then they would talk together, but I do not know what he said.

Q. Did he call upon the other boys to help him in any way?

A. He talked with those boys in the centre, but what he said I could not say.

Q. Now, once, did you ever have any conversation with Mr. Phillips in regard to the boys, when he expressed any opinion with regard to the boys?

A. I may have talked with Mr. Phillips about the boys.

Q. Any time when he spoke about them, I would like to have you state?

A. I heard him say he would offer five dollars apiece for the opportunity of punishing four boys.

Q. Give his language, as nearly as you can?

A. He came down from prayers, and came up to me and asked me if I heard any murmuring or humming in the second school. I told him I

did not. He said he did, and he would like to give five dollars apiece to lick four of the damn rascals.

Q. Now, were you at the chapel the day when the boys in the chapel were making a disturbance?

A. I was.

Q. Now, you may tell what the disturbance was.

A. They were singing and hollering and crying fire, and it could be heard very plainly. The lodge is directly under the chapel.

Q. They cried fire, sung and hollered. Could you hear what they were singing?

A. One song was, "Marching through Georgia."

Q. Could you hear what they said, except when they hollered fire?

A. I could tell by the tune.

Q. (By Mr. SANBORN.) Could you tell yourself whether they were singing a particular tune or some sacred tune appropriate to the day?

A. I think I could tell. Yes, sir.

Q. (By Mr. HYDE.) You testified in regard to the expression that Mr. Phillips used. You are quite confident that he used that expression which you have mentioned?

A. There were other officers standing there, and several boys.

Q. Who were the officers?

A. Mr. Faulkner and Mr. Bigelow.

Q. Did any of the officers bring it to the notice of the superintendent?

A. I suppose so.

Q. What makes you suppose so?

A. Because the superintendent asked me if I was there at the time, and I told him I was.

Q. When did he ask you that question?

A. I do not know the date exactly.

Q. Was it before or since Mr. Phillips left?

A. I should not want to swear, but I think since.

Q. When did this particular conversation with Mr. Phillips take place?

A. It was after prayers one night just before he went away. He was gone in February, I think.

Q. Was Mr. Phillips discharged?

A. I do not know.

Q. You do not know whether he was discharged in consequence of using that expression?

A. I do not know why.

Q. Did you ever hear any other officers use it? Did you ever use it yourself?

A. I am not in the habit of it, but perhaps I have.

Q. (By Mr. PRESCOTT.) Do I understand there is any restriction in regard to punishment there?

A. Restrictions?

Q. Yes, sir. Is it left optional with each separate officer to punish boys with the strap, lodge, or strait-jacket?

A. Yes, sir.

Q. Is there any restriction in regard to the number of blows to be given a boy ?

A. I have never had any statement made about the number of blows to be given ?

Q. Is there any restriction in regard to the time a boy can be kept in the sweat-box ?

A. He must be taken out every noon and every night.

Q. Is there any restriction as to the number of days he may be replaced there, being taken out at night ?

A. I do not know of any.

Q. How long have you ever known a boy to be kept there ?

A. I do not remember but one day.

Q. Are you speaking of your own boys ?

A. Yes, of anybody's.

Q. Do you not know other officers of the institution have kept boys there three or four days ?

A. I think not.

Q. Have you ever heard of it ?

A. No, sir.

Q. Do you think it is so ?

A. I do not know anything further than what I put in myself.

Q. Have you ever seen boys punished there by having water played upon them ?

A. I have.

Q. What boys ?

A. Watson, Fugh and Goss.

Q. What was Watson played upon for ?

A. For disturbing chapel service

Q. When was that ?

A. I cannot tell the exact month ; perhaps it might have been April.

Q. Did you ever see any other boys played upon ?

A. I saw Langdon.

Q. Who ?

A. Langdon.

Q. When was that ?

A. I cannot tell the date.

Q. What was it for ?

A. I do not know.

Q. How long ago was it ?

A. Well, it might have been six months ago, perhaps.

Q. Well, who punished him in that way ?

A. Colonel Shepard.

Q. What hose was used ?

A. Well, the common hose was used

Q. The garden hose, or the large hose ?

A. The large hose ?

Q. How long was the hose used ?

A. How many minutes ?

Q. Yes, sir.

- A. Perhaps, four or five, and, perhaps, not so many.
- Q. How came you to see this punishment?
- A. I happened to be there.
- Q. Did you go down there on purpose to see it?
- A. I cannot tell, just now, how I happened to be there.
- Q. What, in your best judgment, was the cause of the riot there in January last?
- A. A desire to escape and get out of the institution, and having a general row.
- Q. Do you know that the testimony of the boys was directly to the contrary?
- A. I supposed it would be.
- Q. Do you know how many of these school-ship boys have been in the institution during the past year?
- A. I do not.
- Q. How old are some of these boys you have punished with the strap?
- A. I do not know how old they are, as I have never inquired their age.
- Q. Do you punish boys with the strap from 17 to 20 years of age?
- A. Since I have been in the institution?
- Q. Yes, sir.
- A. I think very likely I have.
- Q. Well, on your records, are there many of those boys of that age—from 17 to 20?
- A. I do not know that there are.
- Q. Well, you know something about the boys?
- A. Yes, sir.
- Q. Are they the larger class of boys?
- A. Some of them are.
- Q. (By Mr. SANBORN.) You testify, that when Watson run into the chair-shop, he used a certain expression; who do you understand was meant by that expression?
- A. I do not know, because I do not know who punished him.
- Q. Do you understand it was some of the officers of the institution?
- A. Certainly.
- Q. Did you hear any names used?
- A. I did not.
- Mr. PRESCOTT. That is all.

EDWARD C. WHEATLEY—*Sworn.*

- Q. (By the CHAIRMAN.) How long have you been at the institution?
- A. Two years.
- Q. Have you ever had experience previous to being in the Westborough School?
- A. Yes, sir; I was teacher of the public schools for some time, and I was also connected with the Meriden Reform School previous to coming to Westborough.
- Q. At the Westborough Reform School you were teacher?
- A. No, sir.
- Q. What was your position there?

A. Overseer of the first chair-shop.

Q. I ask you in regard to your position at the Westborough School?

A. First teacher.

Q. What are your duties as first teacher at the Westborough Reform School?

A. To have charge of the first school, and also of the yard and dining-room.

Q. How many boys do you have under your charge?

A. In the school-room?

Q. Yes, sir.

A. An average of about 65.

Q. Boys of different ages?

A. Of all ages.

Q. Mostly of the larger boys?

A. My school is the highest grade.

Q. Was the boy Watson under your charge in the school-room?

A. He was.

Q. What kind of boy was that boy Watson?

A. Well, he was a passionate boy; a boy that I never had had but little trouble with previous to the time which has been spoken of.

Q. Up to that time?

A. No, sir.

Q. Well, there has been testimony here with reference to the boy Watson, the treatment he received, the punishment he received, and the offence he committed while under your charge. Do you know the particular case referred to now?

A. Yes, sir.

Q. Now, will you tell us the whole story about the circumstances of the punishment of the boy Watson?

A. About the last of February, 1876, Colonel Shepard called me into his office and stated to me that Watson was keeping company in the yard with a boy named McFeeley, and he thought they were up to some mischief. He wished to bring about a separation, and wrote an order to that effect, handed it to me, and asked me to call the boys in and notify them of the fact. I went out and called the boys up, and read them Col. Shepard's order that they were not to associate together while in the yard. They said they would obey the order. They passed back into the yard and immediately went to talking with each other again. I called the boys up, and took McFeeley and locked him up in the dormitory, and took Watson and placed him in what is known as the sweat-box. That was about 2 o'clock in the afternoon. I kept him there until night, and released him about 7 o'clock. I placed him there again the next morning, and released him at about 7 o'clock the next night. Next morning I took him into my room and had a long talk with him about his conduct, and he promised me he would obey the order of the school. I told him to relieve him of temptation, he had better take a position in the yard, and not mingle with the other boys for a couple of days. He said he would do so. Then I released him and let him go. The first day I released him, Colonel Shepard said he saw him in company with McFeeley. I again took him to

the office, and he said he had been talking with McFeeley. He said he had only just spoken to him, but did not intend to do anything wrong. I let him go back to the shop, and very soon I had occasion to call the boys from the shop to the bath-room. When he passed in the line, he passed in a very independent manner; he threw his head back, and had his hands in this way [with his thumbs in the arm-size of his vest]. When he came out, he went up and down the room openly and independently with the boy McFeeley. I did not pay any attention to him, but took the boys in to dinner as usual. After dinner, as I was passing out of the yard, I spoke to Watson, and asked him to come with me. He refused to come, and I paid no attention to it. I went up to the office to send the office-boy into the shop. Watson was then passed into the shop. I sent the office-boy into the shop to tell Watson to come into the office. When he came in he had one hand in his pocket. His right hand was in his pocket. I stepped into the room adjoining the office, kept by Mr. Bigelow, and I told him I would like to use his room to talk with a boy, and requested him to step into the next room. Mr. Bigelow did so, and I went out and told Watson to come into the room with me. He came in and his hand was still in his pocket. I asked him what he had in his pocket, and he said he did not want any trouble with me. I asked him again, and he said he would let me know if I did not let him alone. I reached forward to take it out and he drew his hand out of his pocket with an awl, such as is used in the chair-shop.

Q. Describe it?

A. The blade is four or five inches long, and it has a wooden handle. He had the awl in his hand in this way [as a dagger is held], and struck towards me with the awl. I had nothing to defend myself with except a strap which I carried in my pocket. I struck him with my left hand and pulled my strap out with my right hand, and struck him in the face when he came towards me with the awl. I met him with the strap each time, for two or three times. He put the awl through my coat pocket at one time, and also through my coat and vest, on the shoulder, to my body. At this moment, Mr. Bigelow came in, took up a chair and struck the boy over the head. The boy fell down on the floor and immediately jumped up again and reached out and caught hold of the door-knob. I saw his intention was to leave the room. I seized him by the coat collar, but he brought the back of my hand against the door in such a manner as to break my hold, and escaped from me and passed into the shop. Then he, with four other boys, I think, passed into the yard with awls in their hands. I went out there, and Mr. Armitage and two or three other officers were there. I went up to Watson and he came towards me to strike me, but I spoke to him and he came to me, and I took him up into my room. Before I took him he gave up his awl. I bathed his face with dilute alcohol and water, where I hit him with the strap. As I was taking him out of the room I met Col. Shepard, and he directed me to place him in the lodge. I did so, and he had charge of him after that. I had not anything more to do with it. After that, whatever was done to him, Col. Shepard did.

Q. Several of the boys have testified that when Watson left that room

and went into the shop, he then seized the awl, and that his face was bloody, and that he had the appearance of having been punished. Did you strike him previous to his threatening to assault you with the awl?

A. No, sir. He struck towards me. He had the awl in his hand and his hand in his pocket. He drew it out to strike me before any punishment was administered; my intention was not to punish him, but to take the awl from him and lock him up.

Q. Well, in that struggle, how badly was the boy hurt?

A. He was black and blue in the face, there was a mark on his cheek and also on his forehead over his eyebrow.

Q. Did you at that time strike him for any other purpose than to resist his attack?

A. No, sir.

Q. You are positive about that?

A. Yes, sir; I am very positive.

Q. Whatever punishment he received, you positively swear was in self-defence?

A. I do, sir; I resisted his assault. He was one of the most powerful boys we had in the institution. I consider it my duty to defend myself.

Q. Was he a large boy?

A. He was not a very tall boy, but very thick-set, and very muscular; one of the most muscular boys we had in the school.

Q. (By Mr. HYDE.) What has become of the boy? Is he still there?

A. No, sir; he was removed from the school to the Bridgewater Workhouse.

Q. (By the CHAIRMAN.) Then, you did not punish that boy Watson at all for the offence?

A. I placed him in the sweat-box.

Q. But not for this final disregard of authority?

A. No, sir. I turned him over to the superintendent, and he took charge of him, and he was transferred to the Workhouse at Bridgewater.

Q. Mr. Hinckley states in his charge that this boy was severely punished and pounded, and that his offence was resisting punishment by a teacher of the second school. Then you state you did not punish him for an offence, but resisted his attack?

A. I resisted his attack.

Q. And the punishment, whatever it was, was given by somebody else—the superintendent?

A. Yes, sir.

Q. What were your relations with Mr. Hinckley? Mr. Hinckley says that your prolonged stay there in the institution was quite unaccountable, and he says that perhaps you wrote some of the many puffs that appear in the newspapers. As this is a public statement, I would like to know your relations with Mr. Hinckley?

A. Always pleasant, so far as I know.

Q. They were what, sir?

A. Always pleasant, sir. Mr. Hinckley was one of the outside officers.

Q. Have you ever written anything for the papers?

A. No, sir; I don't recollect about it.

Q. Have you ever punished, by flogging, any boy in the institution in a severe manner?

A. I never have, in what I should call in a severe manner. We have to punish severely to maintain our discipline.

Q. You have put boys in the sweat-box, as it is called?

A. Yes, sir.

Q. Well, for what offences have you put boys in that box?

A. For fighting in the yard, and for repeated disobedience.

Q. Now, for such an offence as fighting in the yard, how long have you kept a boy in the sweat-box?

A. I think not over one day.

Q. Taking him out at noon?

A. Taking him out at noon.

Q. Have you ever seen a boy after leaving the sweat-box apparently suffering from his confinement there?

A. I don't recollect of seeing such an instance there.

Q. Have you ever seen marks on a boy's body which were occasioned by his being closely confined in the sweat-box?

A. No, sir; I don't recollect seeing them.

Q. Have you ever seen a boy come out of the sweat-box with his legs black and blue and the cords swollen?

A. No, sir.

Q. Have you ever seen a boy with his hand very much swollen?

A. I have never noticed it.

Q. What is the longest time you remember having kept a boy in the box?

A. I think two successive days is the longest, putting the boy in in the morning and taking him out at noon; putting him back and taking him out at night, and the same the next day.

Q. Was he detained as a part of the punishment, or because he declined to relent?

A. He did not show any signs of being punished for the wrong. He did not ask to be released; he seemed to be sullen.

Q. He was kept in there because he appeared to be sullen and disobedient?

A. Yes, sir.

Q. Reference has been made to a meeting of the officers, several times here, in January last in the institution. Do you remember any such meeting in January last?

A. I think so, sir; yes, sir. Hardly a month passes but what the officers are called together for consultation.

Q. Do you call to mind any particular consultation in January?

A. I recollect one time when the officers were called in,—the officers, with the masters of the outside schools,—and questions were asked in regard to the sweat-box and the strait-jacket. I don't know whether that would be the time you refer to or not.

Q. Do you remember the time?

A. I do not remember the exact date; I should think it was last January; I would not be certain.

Q. What was the nature of the consultation?

A. At that time, the question was which was the more severe punishment,—what was known as the box, or the strait-jacket.

Q. Was there any special change made in the mode or time of punishment in consequence of that consultation?

A. Not that I know of.

Q. Do you remember a consultation of the officers in the early part of December, 1876?

A. I do not call it to mind now. I presume there was one, sir; there were several at that time.

Q. Were you ever a witness of punishment by the use of cold water?

A. Yes, sir.

Q. What was the instance that you were witness of?

A. It was in the case of disorderly conduct of boys while confined in the lodge.

Q. Well, when was it, and who were the boys?

A. Longdon was one of the boys, and I think John W. Ryan was another.

Q. Well, can you remember when that was?

A. I should think it was last January, or the first of February; I would not be certain about the time.

Q. This year?

A. Yes, sir.

Q. What was that conduct, while in the cell, that caused that punishment?

A. They were yelling and stamping after the boys had retired at night; I think that was the cause of this punishment.

Q. When was the water administered to them?

A. The next morning.

Q. Who by?

A. By Col. Shepard.

Q. Were they at the time, or just previous to the application of the water, riotous; or was it for riotous conduct during the night that they were punished?

A. They had been riotous during the night, and also during the morning.

Q. Did you consider that application of water for the cause it was administered, to be too severe?

A. I did not think so at the time?

Q. Do you think so now?

A. No, sir.

Q. Do you call to mind any other punishment by water, by flogging, or by whipping with the strap, which you now consider to have been too severe?

A. I do not think of any now, sir.

Q. Do you know of any instances of boys having been kept in the sweat-box too long, so that it was too severe a punishment?

A. No, sir; not of my personal knowledge.

Q. Did you ever hear of any boy having been kept there so long as to make it seem a cruel punishment?

A. I think not, sir; I do not recollect.

Q. You have just testified that this was the only instance of the use of water that you were personally knowing to?

A. Yes, sir; excepting the night of the riot. It was used at that time.

Q. I do not refer to that. You were at the Meriden institution previous to being at Westborough?

A. Yes, sir.

Q. How long?

A. About eight months, I think.

Q. What was your position there?

A. Officer of the first chair-shop.

Q. Were you familiar with the punishments of that institution?

A. Yes, sir.

Q. As compared with those of the Westborough institution, were they more or less severe?

A. I think they were more severe.

Q. Were they, as compared with those of the Westborough institution, more or less frequent?

A. Strapping was more frequent than in the Westborough school.

Q. How was strapping administered at the Meriden institution?

A. By different officers.

Q. In what form? On the boys' hands, or all parts of the body?

A. On the boys' hands, and on other parts of the body.

Q. Were there other means of punishment in the Meriden institution, than that of flogging?

A. Yes, sir; we had a lodge, and a box similar to what we call the sweat-box. That was not the name it was called; it was called the box.

Q. Was the punishment the same there as at Westborough?

A. Yes, sir.

Q. Did you ever know a boy to experience unnecessarily severe suffering in the box at Meriden?

A. I do not recollect it.

Q. In your judgment, as teacher and overseer of the boys, do you think the boys at Westborough have been unnecessarily severely punished?

A. No, sir; I do not consider there is more suffering than is necessary to maintain good discipline.

Q. Are you quite sure about that?

A. I am.

The CHAIRMAN. I have no further questions.

Q. (By Mr. SANBORN.) I have a question in connection with the questions which the Chairman has just asked you, Mr. Armitage.

A. My name is Wheatley, sir.

Q. Mr. Wheatley, is it your opinion that this statement in regard to the severity of the punishments is true or not, that the punishments by some of the subordinate officers and employes of the institution have, at times, been injudicious and unnecessarily severe? Is that your opinion?

A. With the exception of one instance, I think not, sir.

Q. What instance?

A. The Rawson case. As I testified before the Committee before, I think, from what I learned, that might have been unnecessarily severe, although I did not know about it personally—only by hearsay. I did not know anything about the case, of my own knowledge.

Q. Now, in regard to your own punishments when did you make your reports?

A. At the end of the month.

Q. Were you required to date your punishments?

A. There was nothing said, particularly, about that. We used to put down the number of punishments; we had administered during the month; sometimes the exact date was put down, and sometimes not.

Q. What record did you keep of the date?

A. In a memorandum-book.

Q. What sort of a memorandum-book?

A. Well, a small book.

Q. Have you that here?

A. I do not think I have; I think not.

Q. Was the memorandum-book arranged by months?

A. No, sir; just a blank book.

Q. How do you know, then, the punishments included in one month from those in another? Did you write at the head of the page, March, April, May, etc.

A. When I commenced a month, I always put down the month and the date of the month, and then the names of the boys.

Q. Did you put down the day of the month?

A. Not always.

Q. Why not?

A. I did not consider it necessary. It was the punishments of the month that we had to report, and I did not think of the day.

Q. Was that required?

A. I do not know whether it was or not; I may have been remiss in that; I cannot state whether that was required or not; I am not certain.

Q. Will you look at these and see whether or not they are your reports [handing witness a package of reports].

A. This first one is; the second is; I guess they are all mine.

Q. Now, there are twelve months,—will you see in how many of these months you reported the date and in how many you omitted it?

A. The first month the dates are all reported; five of them, I think, have the exact dates and the others have not.

Q. Seven without and five with the dates.

A. Yes, sir.

Q. Then your practice was not to put in the dates.

A. Well, it was about five to seven; in five, the practice was to put in the dates; in seven, it was not.

Q. Why did your practice vary?

A. I could not state; I thought if I put down the date of the month it was sufficient.

Q. Have you had charge of one room or set of boys, exclusively?

A. I had charge of one room, but the boys we changed.

Q. How many boys did you have in your charge?

A. On an average, about 65 in my school-room.

Q. Did the number vary in the summer or winter? Was it less or greater in either season?

A. Well, there has not been very much difference. Sometimes after the trustees met in April the number would be less, but we would fill up again very soon.

Q. According to your record, which you have just testified to as yours, you inflicted in the month of November 165 blows?

A. What year was that?

Q. Last November, 1876. Do you remember whether that was, particularly, a disorderly month?

A. I think November was a full average for disorder.

Q. In the month of January, you inflicted 220 blows?

A. Sometimes we punished in another way besides the strap.

Q. Why was the number so much greater in January than in November? You gave 165 blows in November and 220 in January. Were the boys more disorderly in January than in November?

A. Well, I think, take the month through, they were.

Q. In the month of February, you inflicted 97 blows; in January, 220. Why was there such a difference in the two months?

A. In the month of February we were relieved of thirteen boys in my school.

Q. Had these all been in your school?

A. A large part of them had.

Q. How many of them had?

A. I could not state exactly; I think perhaps eight or ten of them.

Q. Was there any other reason?

A. After the riot, a number of our boys were kept locked up for some time, and placed in the dormitories.

Q. What is the name of this Watson boy?

A. Joseph.

Q. How many times during the year have you punished Joseph Watson?

A. Not at all.

Q. Then Joseph Watson, whose name appears in one of these reports, has not been punished?

A. I am not certain at what time he left school, but if I remember right, he would not come within the past year.

Q. Well, I am speaking of this year, which is from March 1, 1876, to March 1, 1877. I find on the 4th of March, 1876, Joseph Watson received 20 severe blows with the strap, which had no effect, and the offence is not recorded.

A. Well, that is the time I just related to the Committee.

Q. That is the occasion of it?

A. Yes, sir.

Q. Was this the punishment you inflicted upon him after he attacked you?

A. It was inflicted at the time.

Q. Was it before or after he attacked you?

A. I did not strike him until he tried to strike me.

Q. Then these 20 blows that were inflicted by you, represent the number of times he struck at you?

A. He struck at me more than 20 times himself, and I replied to his attacks with my strap. In my excitement, I may not have given the number exact.

Q. Do you intend this to represent the number of passes he made towards you while he was assaulting you?

A. Yes, sir.

Q. Were these blows inflicted before or after he had been knocked down with the chair?

A. Before. I may have struck him once or twice afterwards. Most of them, before.

Q. Had he an awl in his possession at the time he was knocked down by the chair?

A. Yes, sir.

Q. Will you swear to that?

A. Yes, sir.

Q. Have you anything to guide your recollection as to how many blows you struck after he was knocked down by the chair?

A. I do not recollect, sir.

Q. What position was he in when you inflicted these blows?

A. Facing me, and striking at me with an awl.

Q. No; I mean after he was knocked down?

A. His position was immediately on his feet again.

Q. With the awl in his hand?

A. Yes, sir; he took the awl in his hand. I don't know whether he handed it to me or Mr. Armitage.

Q. It was taken from him?

A. No, sir.

Q. Why not?

A. Because he escaped before we could get at him.

Q. There were two of you?

A. What was the question?

Q. There were two of you against the boy?

A. Well, he was only against me before Mr. Bigelow struck him.

Q. Well, you and Mr. Bigelow, both struck the boy?

A. I think we did.

Q. The boy was down, and you did not disarm him?

A. I have related to you already, that immediately after the boy was knocked down, or as soon as he could, he reached the door, and made his escape by breaking from me. I had hold of him with one hand.

Q. How old a boy was Watson?

A. I could not state.

Q. Was he 16?

A. I should judge that he was, although I could not state.

Col. SHEPARD. He is 19.

Q. (By Mr. SANBORN.) Col. Shepard says he is 19. How long had Watson been under your charge at the time this occurred?

A. He had been in my school for, perhaps, four or five months; he was promoted from a second school during the summer.

Q. Was he promoted for good conduct?

A. No, sir; for advancement in studies. We promote for advancement in studies.

Q. Had he ever been punished previous to this, during the time he was in your class?

A. No, sir; I do not recollect that he had.

Q. Had his conduct been such as to deserve punishment?

A. His conduct had never been very bad in school.

Q. Had his conduct been such as to deserve punishment?

A. I think if he had deserved it he would have received it; he was only in the school three or four months; his conduct was not of the best.

Q. What was his reputation as to conduct, when he came into your school?

A. He had never given trouble in the school-room. He had been in Miss Clark's school, and I had heard of no trouble.

Q. Had you the impression that he was a depraved boy?

A. That was his reputation.

Q. Who gave it to him?

A. The officers of the school.

Q. How did it happen, then, that in three or four months his conduct was so good he did not deserve punishment?

A. Sometimes, the worst boys we have behave the best for a certain length of time. Their influence is very bad on the other boys. They put up a job, and laugh to see it carried out.

Q. Did you think Watson was the worst boy you ever had under your charge there?

A. I could not say.

Q. In some respects, you think he was?

A. I only punished him once; that was in the manner described.

The CHAIRMAN. I believe he answered me, that he did not punish him, but that whatever occurred was in resistance to the boy's attack on him. It was not punishment. He was turned over to the superintendent, or some one else.

Mr. SANBORN. Let us be quite sure about that.

Mr. PRESCOTT. Allow me to ask this question: When did this punishment of the boy Watson happen?

Mr. SANBORN. The 4th of March, 1876. The witness has sworn that that was the date.

Q. (By Mr. SANBORN.) You are under oath, are you not?

A. Yes, sir; but I do not recollect the date.

Q. Will you look at that report and state whether the event you have described to the Committee took place on that date?

A. It is put down here as the 4th. I think that was the day, although I may be mistaken.

Q. (By Mr. HYDE.) Well, that is the one?

A. That is the report, and I think that is the date; I will not be certain. It might have been the 4th or 5th.

Q. You made this report?

A. Yes, sir.

Q. Then the statement here is likely to be correct?

A. Yes, sir; it is supposed to be.

Q. (By Mr. PRESCOTT.) What do I understand the marks on your book here to mean? [Showing witness a book.]

A. Four would indicate good conduct on the part of a boy, and three not as good.

Q. Well, will you, from the records here, state with regard to Watson, how many errors he received during the month of December?

A. This is December, 1875. [Referring to the page in the book.]

Q. That was the December previous to the assault of March, 1876?

A. Yes, sir.

Q. In regard to the month of December; how many errors did he have?

A. He is marked, on two occasions, three for two days.

Q. He received only two errors for that month. Now, turn to the month of January, please.

A. During that month I was away part of the time, and Mr. Rice took the school in my absence; he did not mark the boys at all. I simply filled out the book with four on my return.

Q. What is the record of Watson during the month of January?

A. There is only one error, I think, there.

Q. Turn, now, to the next month,—the month of February.

A. One in February.

Mr. HYDE (referring to the great book). Here seems to be a report of the Watson boy: for the month of January, one in school and four in the shop; in February, one in school and three in the shop.

Q. (By Mr. SANBORN.) Was this the most severe punishment you ever gave a boy?

A. Yes, sir; I may have punished by more blows, but I do not think I used them more forcibly.

The CHAIRMAN. Won't you turn your face toward the Committee every time you speak? We cannot hear you?

Q. (By Mr. PRESCOTT.) You made a record of the boy Watson in the school?

A. In the school.

Q. What is your record in the month of January?

A. Only one error here.

Q. Well, in the book to which it is transferred, I see it is transferred four [reading], "Joseph Watson, four errors."

Mr. HYDE. That is wrong.

Q. (By Mr. SANBORN.) Was Watson ever placed by you in the sweat-box?

A. Yes, sir.

Q. How many times ?

A. Only once, I think.

Q. When was that ?

A. That was the time I refer to in my statement to the Committee.

Q. It was the same time ?

A. It was before.

Q. The same day ?

A. No, sir.

Q. The same month ?

A. Yes, sir.

Q. That was the first time he had been put in the sweat-box by you ?

A. I think so.

Q. Was he ever put in the lodge by you ?

A. I do not recollect ever putting him in the lodge.

Q. Then your testimony amounts to this : that the only punishments Watson ever received from you were once with the strap and once in the sweat-box, in 1876.

A. I punished him once during the summer of 1875 with the strap. I think I punished him once with the strap.

The CHAIRMAN. Before we leave this point, I want to have this thing distinctly and clearly brought out, so that no member of this Committee shall misapprehend the fact. Mr. Hinckley's statement with reference to the boy Watson says :—

“The boy Watson, who was transferred to Bridgewater last spring, was beaten about the head several weeks before he was taken from here, so that he hardly looked like a human being. The skin was broken in several places on his face and head, and the bruises were so black and swollen that he was a horrible sight to look upon. His friends could not have recognized him. Boys from the institute say that beefsteak was applied to his bruises to remove the discoloration before he was taken to Bridgewater. Mr. or Mrs. Armitage would know about the latter. I saw Watson after he was pounded and put in the lodge, where he was kept for I don't know how many weeks before he was sent away. His offence was resisting punishment by the teacher of the first school, Mr. Wheatley.”

Then, it goes on with some comments with reference to Mr. Wheatley. Now, if I understand Mr. Wheatley's statement, it is exactly this : the boy has never received punishment there—did not receive punishment from Mr. Wheatley at all. If we do not get it right, let us have it right. He was the boy punished by Mr. Wheatley for communicating with a boy in the yard, after being reprimanded several times not to do it. He went out to punish this boy for this offence ; he was assaulted by the boy with a dirk, or awl. In resisting that assault upon him, this boy received this treatment, but it was not a punishment for the offence he had committed. It is a marked difference whether this boy received this punishment for an offence which he previously committed, or whether he received it in consequence of the assault made upon Mr. Wheatley. There has been an evident effort made in the examination of the previous witness to show that this assault, this punishment that the boy received, was in consequence of the offence which he had previously committed. Now, I understand the testimony to be directly to the fact that he received it in consequence of an assault, and in resisting that assault made upon Mr.

Wheatley with an awl. It is the most flagrant case ever brought before the Committee, and as it has appeared in the public press as a dreadful punishment in the institution, it is proper that it should be set exactly right at this time, and as Chairman of the Committee I mean it shall be.

Mr. SANBORN. I would like to say a word if the matter is to be discussed. Of course, we are to remember the testimony of those who inflicted the punishment as untrue. As the fact appears to be brought out directly and forcibly in the testimony of this witness, it seems to me it would be well also for the Committee not to forget that the two boys called, that were in the chair-shop at the time, have testified that he did come in there with his body bruised and his head covered with blood, and no weapon in his hand,—that he came in and seized an awl.

The CHAIRMAN. I am aware of that, and that is just what I wish to have made straight here. We have the boys on one side, and Mr. Wheatley on the other.

Mr. HYDE. How about Mr. Bigelow?

Mr. SANBORN. I think I can draw out these facts so there will not be any misunderstanding.

Q. (By Mr. SANBORN.) Mr. Wheatley, your report does not state any offence for which Joseph Watson was punished. Will you state for what he was punished?

A. Of course. In striking Watson with the strap, as I was forced to do, I had to make some report of it, and so I left the cause of punishment blank.

Q. What was his offence?

A. I have explained that to you.

Q. What was it?

A. Assaulting me with an awl.

Q. Was that the reason he received it?

A. It was, sir.

Q. Should you not have punished him if he had not assaulted you with the awl?

A. My intention was to take Watson and lock him up so that he could not communicate with this boy.

Q. What was the offence?

A. Disobedience.

The CHAIRMAN. We have been told that two or three times; we have no time to spend in that repetition.

Q. (By Mr. SANBORN.) You testified that you took him into Mr. Bigelow's room?

A. To disarm him.

Q. You had no intention of inflicting a punishment upon him?

A. No, sir.

Q. You testified here on oath that you did not strike Watson a single blow until he assaulted you?

A. I did, sir.

Mr. SANBORN. I think that settles it as far as this witness is concerned.

Q. (By Mr. PRESCOTT.) Do I understand this was made up from a memorandum-book, where you recorded the punishment at the time?

A. Yes, sir.

Q. Then these are transcribed, the seven following months?

A. Yes, sir.

Q. Well, will you please explain why, during the whole of the month of August, you have not transcribed in any case what the offence was for which these boys were punished?

A. That was an omission on my part; I intended to put it down.

Q. Was it recorded on the memorandum-book?

A. Yes, sir; it was.

Q. You have not given the offence, nor made any remarks on this record to four, six, eight, ten punishments, and your only excuse is that it is an omission on your part?

A. Yes, sir; I omitted to copy the offences from my book.

Mr. PRESCOTT. Ten punishments in the month of August, and the offences are not recorded.

Mr. SANBORN. And for all these, 126 blows were inflicted. There is no record whatever as to the offence.

Q. (By Mr. PRESCOTT.) Do you know a boy in the institution by the name of Louis A. Otis?

A. Yes, sir.

Q. What is the reputation of that boy?

A. Very good, so far as I know.

Q. Well, is he not called one of the best boys in the institution, and entirely trustworthy?

A. Yes, sir. I think that Otis would rank as one of our best boys.

Q. Is he not considered a trustworthy boy?

A. I do not know that I ever heard his veracity in question.

Q. You never heard his veracity in question?

A. No, sir.

Q. Mr. Wheatley, in your judgment, what was the cause of the riot on the 12th of January last?

A. Well, I think the main cause of the riot was a desire on the part of the boys to escape before the completion of the new enlargement that some of them would be transferred to. There was one cause that might have added to it: a list of the incorrigible boys got into the possession of the boys, and enabled them to know what their destiny was, and that made some of them very much more uneasy than before.

Q. Would you state, generally, that in your judgment the cause of that riot was the fear on the part of those boys of being transferred to the new building?

A. Yes, sir; I think that was one cause.

Q. Didn't you tell Louis A. Otis, on the night of the riot, that the whole rumpus was because Mr. Bigelow mugged Collins?

A. No, sir; I didn't tell him so, because he didn't do that.

The CHAIRMAN. May I ask who Louis A. Otis is?

Mr. PRESCOTT. He is an inmate of the Reform School. He was brought before the sub-committee of this Committee as one of the trustworthy boys whose word could be relied upon, and Dr. Harvey was anxious to have us question him in regard to the riot. He was immediately brought in, and I think he was the best-looking boy the Committee saw at the institution. The first question put to him, after getting his

name and age, and how long he had been there, and details of that nature, —the first question put to him was, What was the cause of the riot on January 12? and he said that it was because Mr. Bigelow had mugged Collins; that is, had struck Collins in the mouth.

The CHAIRMAN. That is satisfactory, because we have got it in the report. I never heard the name.

Mr. PRESCOTT. The question was asked how he knew, and he said Mr. Wheatley, teacher of the first school, told him, while the riot was going on, that they could lay the whole of this rumpus to Mr. Bigelow's door for having mugged Collins.

Q. (By Mr. PRESCOTT.) Now, do I understand you that you swear you did not tell that to that boy?

A. I did not make that statement to the boy.

Q. (By Mr. SANBORN.) Will you say if the Otis boy, whose name is on these papers, was a pretty good boy?

A. He was a pretty good boy; yes, sir.

Q. Why, then, did you punish him with the strap?

A. Because he was disorderly.

Q. What was the nature of his disorder?

A. I think the nature of his disorder was noisy conduct in the chapel during a singing exercise. He was a boy who was allowed a good many privileges, and he did not, sometimes, come down quite to the rules of the institution, as he ought to do.

Q. How many blows did you give him?

A. Down here it is 15. [Referring to the return.]

Q. What date is that?

A. The month of December, 1876.

Q. What day?

A. The day is not down; only the month.

Q. What number of blows did you give him this time?

A. [Referring to another report.] Twelve.

Q. What month was that?

A. January, 1877. This was the report for January.

Q. That was the succeeding month?

A. Yes, sir.

Q. Then, if I understand correctly, you punished one of the best boys in your charge with 15 blows in the month of December, and with 12 blows in the month of January, with the strap?

A. That is what the report says.

Q. Was he one of your best boys?

A. Yes, sir; he stands very well in the school.

Q. Was he one of your best boys?

A. Yes, sir; I should think that he was; he was not always an orderly boy; he was rather inclined to be disorderly at times?

Q. Was he punished for making this statement?

A. I did not punish him for that; I did not know he had made it.

Mr. HYDE. This was all in December and January, before the Committee went up there.

Q. (By Mr. PRESCOTT.) Do you always carry a strap about your person?

A. No, sir; I never made a practice of doing it.

Q. What strap did you use?

A. I have used one similar to the lighter one, and there was one which I kept in the office similar to that.

Q. Did you ever use one of the other kind?

A. I may have used one like this, the heavier strap, although it was not common.

Q. I do not understand. If you will speak up—

A. I may have used a strap like this, but commonly used the lighter one.

Q. Didn't you carry one about your person?

A. I may have done it.

Q. Did you ever use a round trace, or tug?

A. No, sir?

Q. Did you punish boys over the body?

A. I punished them on the hand, not over the body.

Q. Do you make any record of your punishments by confinement in the sweat-box?

A. If I confine a boy in the sweat-box, I make mention of it in my school records.

Q. Are your records here?

A. Yes, sir. [Presenting them.]

Q. Haven't you confined boys in the box since March, 1876?

A. I think so.

Q. Don't you know you have?

A. Yes, sir; since March, 1876, I know I have. I was thinking of March, 1877.

Q. About how many boys have you confined in the sweat-box in the past year, from the first of March, 1876, to the first of March, 1877?

A. I could not state, sir. I sometimes put it down as strait-jacket, because we do at times call it the strait-jacket.

Q. About how many boys did you put in the strait-jacket during the past year, according to the best of your knowledge?

A. I should think, perhaps, ten; I should hardly think as many as that.

Q. How long did you confine the boys there?

A. Very rarely over one day.

Q. What about this record of March, 1876, "John W. Ryan, 5, 6, 7, box, box, box." What does that mean,—three days?

A. I think so.

Q. How many days was that boy confined in May, 1876,—the same boy? The same boy was confined, according to your record, four days in succession.

A. I do not know whether I was the one that put him in the box at that time. The boy was absent from my school and in the box, but I could not state who put him in there.

Mr. HYDE. He may have been put in from the chair-shop, and being absent from the school, might be marked as in the box.

Mr. PRESCOTT. But the records show that the boy was in the sweat-box four days in succession.

WITNESS. He is now down in the house of correction at Worcester.

Mr. PRESCOTT. Well, the box probably didn't do him much good, then.

Q. (By Mr. SANBORN.) How long did you serve at Meriden?

A. I think about eight months, sir.

Q. What year was that?

A. 1874, I think.

Q. Who was the superintendent?

A. Mr. Ingham.

Q. Were you ever there at the time Dr. Hatch was superintendent?

A. No, sir.

Q. Do you know whether the sweat-box was in there when he was?

A. It was.

Q. How do you know so?

A. I know from a statement of the officers, whose veracity I cannot question.

Q. Did you ever use it there?

A. I think I did.

Q. How long did you keep boys in it there?

A. Not more than one day.

Q. How long at Westborough?

A. I think not over two days.

Q. Haven't you inflicted more than double the punishment at Westborough you did at Meriden? The longest time at Meriden, you said, was one day. Did you ever keep a boy in two days at Meriden?

A. I do not remember. I have done it at Westborough.

Q. Didn't you keep a boy in at Westborough three days?

A. I might have done so.

Q. Who was the boy?

A. I could not state.

Q. (By Mr. PRESCOTT.) Did you—

The CHAIRMAN. One at a time, one at a time, please. Who is examining this witness?

Mr. SANBORN. I am, sir.

The CHAIRMAN. Then don't interrupt him, Mr. Prescott; we shall never get through in this way.

Mr. HYDE. That is what I was going to say. Unless somebody examines the witness, and gets through with him, we cannot make progress. I understood the Chairman had started out, and then three or four others have been asking questions at the same time.

Mr. SANBORN. I have never given up the witness; he is under my cross-examination.

The CHAIRMAN. Will you please proceed, Mr. Sanborn, for we cannot waste our time?

Q. (By Mr. SANBORN.) You punished the boy Otis, and he was one of your best boys. Was it your practice to punish your good boys or your worst boys?

A. I punished a boy for the offences he committed, without regard to his character.

Q. Well, were the boys punished most frequently the worst boys, or were they not?

A. Sometimes we had cases among our worst boys and sometimes among our best.

Q. What was your practice? Did the worst boys get punished more frequently than the others?

A. I think they did.

Q. Did the boys above the age of 16 get punished more frequently than any others?

A. I should think perhaps they did. I think most of our punishments would cover boys over 16 years of age.

Q. Have you any doubt on that point?

A. No, sir; I think I am safe in making that statement.

Q. Who is the worst boy you ever had under your charge at Westborough?

A. I could not say.

Q. Well, form some opinion. Was Watson the worst boy?

A. In some respects he was.

Q. What boy did you punish most severely?

A. I think, perhaps, the most severe punishment was that I gave Watson, if it may be termed a punishment, or my action in self-defence in the Watson case was, perhaps the severest.

Q. Next to that, which boy did you punish severely?

A. I could not state.

Q. Well, I will refresh your memory a little. You reported in the month of December last, 30 severe blows with the strap on Robinson, and the same number on John Donovan. That is the largest number I find in your book. The offence was stubbornness.

A. I think Donovan's punishment was the most severe.

Q. Are you sure that you counted the blows?

A. I think I did.

Q. Did you ever give more than 30 blows to any other boy?

A. I would not state.

Q. Were these blows on the hand or on the back?

A. I think Robinson was punished on the hand, and Donovan was punished on the hand.

Q. Now, state the nature of their offences?

A. What month was that, sir?

Q. There is your report, sir?

A. I think I have got it down right.

Q. Well, that is in general terms.

A. Robinson was always a loose, disorderly boy; not a very bad boy, but a very loose, disorderly boy, who was inclined to break the rules of the school.

Q. What did he do on this occasion?

A. Sometimes these punishments were not given for offences committed at the time. Sometimes there were old offences which seemed necessary to be settled.

Q. How was that accumulation made up?

A. I could see that very plainly with my eyes, and remarked them.

Q. Do you make any marks showing the conduct of a boy?

A. We have to keep a memorandum of the boys' daily conduct.

Q. Did you in this case?

A. I don't know; but I had no trouble about keeping it.

Q. Now, state about the boy Donovan?

A. In the case of the boy Donovan, he was notoriously disorderly, and at times would be stubborn, and at times refuse to recite his lesson in the school-room.

Q. What was the age of these boys?

A. I do not know, hardly. I think Donovan must have been 16 or 17.

Q. How old was the other?

A. About the same age. I am not certain.

Q. Did they assault or resist you in any way?

A. I did not intend to punish Donovan with the strap; I intended to lock him up, but he resisted me.

Q. In what manner?

A. He struck towards me with his fist.

Q. More than once?

A. Yes; I think he did. Perhaps once or twice.

Q. Did you feel yourself in any personal danger?

A. I did not feel in any great danger at the time.

Q. Were you angry?

A. No, sir.

Q. Did you punish him on his back?

A. I think, perhaps I may have struck him on his back.

Q. Did you, as a matter of fact?

A. I could not say, but I presume I did.

Q. Do you testify that you struck him 30 blows, no more, no less, and that you did not strike any of them in anger? Is that your testimony? You testify that you struck 30 blows, and now you testify that you did not strike in anger?

A. No, sir.

Q. No one of these 30 blows was struck in anger, although the boy had resisted you?

A. No, sir; I did not strike him in anger.

Q. Now, Mr. Wheatley, who ever authorized you to inflict punishment with the strap? What person ever stated to you— Are you a citizen of Massachusetts?

A. Yes, sir.

Q. Not of Connecticut?

A. No, sir.

Q. What part of Massachusetts?

Mr. HYDE. Ask him if he ever had the measles; you might just as well.

A. I am a resident of Westborough.

Q. What person that is connected with the institution ever authorized you to punish boys on the back with a strap? Did the superintendent?

A. He never told me in so many words. He put me in my department to keep order, and I have done it. He has repeatedly told me to keep order, and to use certain methods,—the strap, the box, and the lodge,—as I saw fit.

Q. Who gave you the strap which you use?

A. When I first came to the institution there was a strap in my room. I usually use the one kept in the office.

Q. Whose was it?

A. I don't know. I suppose it belongs to the institution. I don't know as it is anybody's private property.

Q. Did the superintendent authorize you, in language, to strike a boy upon the back?

A. I could not say that he did.

Q. Did the trustees?

A. No, sir.

Q. Did you ever have any conversation with the trustees in regard to punishment?

A. Yes, sir.

Q. Which one?

A. Dr. Harvey.

Q. What was the nature of the conversation?

A. The conversation was general.

Q. Well, did he authorize you to use the strap?

The CHAIRMAN. What is the object of this inquiry?

Mr. SANBORN. I wish to know what authority this officer has to punish boys on the back with a strap.

Mr. HYDE. I understand the strap has been used in the institution with the knowledge and consent of the trustees, and no one has ever claimed that there was any direction in regard to the locality where it should be applied, or to what extent.

Mr. SANBORN. Has any trustee stated that the use of the strap upon the naked back was authorized?

WITNESS. I did not punish on the back.

Mr. SANBORN. I wish to find out, Mr. Chairman, who in the Commonwealth of Massachusetts gave this person, or any person, authority to flog the boys at Westborough on the back.

Mr. HYDE. Nobody claims there is any such authority.

Mr. SANBORN. I wish to trace this matter up to its source. What official person, if any, and if not an official person, what person, authorized him to punish boys, at the Westborough institution, upon the back with a strap?

The CHAIRMAN. Suppose you merely ask the question and let him give you a categorical answer.

Q. (By Mr. SANBORN.) I am understood, am I not?

A. I partially understand you, but not very fully.

Q. Now, did Dr. Harvey authorize you to punish boys with the strap?

A. Not in so many words.

Q. Did he, in any form, mention it to you?

A. I have had repeated orders to punish boys for disorder. If a boy resisted my punishment, I considered it my duty to whip the boy.

Q. (By Mr. HYDE.) Was any direction given you by Dr. Harvey as to what part of the body the strap should be applied?

A. No, sir.

Q. Was anything said as to the number of times it should be applied?

A. No, sir.

Mr. HYDE (to Mr. Sanborn). When you want to ask a question, why can't you ask it?

Mr. TRAIN. I hope we shall adjourn. It is getting late. It seems to me we have been wasting time for the last ten minutes. There is nothing to be gained. It is only a sort of happy gratification of the questioner. I move that the Committee adjourn.

The CHAIRMAN. How much longer will it take you, Mr. Sanborn, to finish with this witness?

Mr. SANBORN. That would depend entirely upon the interruptions. If I am allowed to go on, I can get through in thirty seconds.

Mr. HYDE. We will all agree.

Q. (By Mr. SANBORN.) Mr. Wheatley, did any other of the trustees, except Dr. Harvey, ever talk with you upon the subject of punishment?

A. I do not recollect.

Q. Then, the only persons that ever gave you authority for the infliction of these punishments were Dr. Harvey and the superintendent?

A. I do not claim that Dr. Harvey gave me any authority, or any of the other trustees.

Mr. HYDE. Time.

Mr. SANBORN. I have asked all that I wish to ask.

Mr. PRESCOTT. I have but two or three questions. I do not think, Mr. Chairman, I shall take a great deal of time.

Mr. HYDE. Suppose I ask mine first, as mine are very brief.

Mr. PRESCOTT. I have no objection.

Q. (By Mr. HYDE.) He spoke of your months' records. He then, in referring to five of the months,—that is, in September, August, July, June, May and April,—said that you had punished lightly, and that in the other months, as he said, you had punished more severely. You punished according to the conduct of the boys?

A. Yes, sir.

Q. You spoke about being at Meriden. What is the general age of the boys at Meriden, as compared with that of those at Westborough?

A. Well, the average was less. They have no primary school in the State as there is in this State, to which they can send the smaller boys, as we send them to Monson. They have also the alternative state prison sentences, given by the courts, to the older and more vicious boys, and a great many are therefore disposed of in that way.

Q. By that, you mean if a larger boy is sentenced for an offence, he is sentenced with an alternative sentence?

A. Yes, sir; he is transferred to the state prison.

Q. To the state prison or jail?

A. My impression is the state prison. I think they are taken to Wethersfield.

Q. Were a number of boys transferred while you were there?

A. Several were transferred.

Q. Were these all of the older boys?

A. Yes, sir; and of the more desperate ones.

Q. Now, he has spoken of the punishments; did you ever punish a boy upon the bare back?

A. No, sir; I never did.

Q. Now, were you, when you went to the institution at first, assaulted for any purpose?

A. I was, sir.

Q. You may state that, and that is all I have to ask ?

A. I had been in the institution five weeks, and one day the boys were in the new yard playing a game of base-ball. One of the boys knocked one of the balls over the fence, and another boy asked me if I would go out of the yard and procure the ball, as the boys placed on the fence for that purpose were not attending to that duty, and they were deprived of the use of their ball and could not go on. I went out, procured the ball, passed it through the fence, and as I was re-entering the yard by the door I was met by five or six of the larger boys, and one of them struck me a sudden blow on the head with a base-ball club, which rendered me senseless for a moment or two, I think. Four of the boys escaped. The blow was a severe one, and I suffered from the effects of it about two weeks. There was a severe gash cut on the back of my head, and Dr. Harvey sewed it up.

Q. Did you understand that they had any personal feeling against you ?

A. No, sir; it was an attempt to escape. I had been there but a few weeks, and there was no reason why they should have any personal feeling against me.

Q. (By Mr. PRESCOTT.) How many days do I understand you to say you have kept a boy in the sweat-box, successively ?

A. I think not over two, but I may be mistaken. I would not make that as a positive statement.

Q. Well, will you state by these records that this boy was not kept in there four days ?

A. I could not say I put him in there myself.

Q. He was in the box four days in succession, was he ?

A. Yes, sir.

Q. [Pointing to another page in the book.] How many days in succession was this boy kept in the box ?

A. Four days, sir.

Q. These are records kept by you, are they ?

A. Yes, sir; but it is not necessarily certain that I put the boy in there myself. I simply recorded the fact that the boy was there; I did not know who put him there.

Q. Have you written any article for the papers in regard to the institution ?

A. No, sir.

Q. Have you ever written any articles in defence of the institution, that have appeared in the papers ?

A. No, sir.

Q. You make your oath to that, do you ?

A. Yes, sir.

Mr. PRESCOTT. I don't think of anything more to ask.

The CHAIRMAN. We will excuse Mr. Wheatley. We will adjourn until to-morrow morning at half-past nine o'clock.

NINTH HEARING.

TUESDAY, April 10, 1877.

The Committee met at 9½ A. M., Senator DENNY in the chair.

NORMAN B. WOOD—*Sworn.*

Q. (By the CHAIRMAN.) You are the assistant superintendent of the Reform School?

A. Yes, sir; of the new part.

Q. Are you not— is there not an assistant of the old part?

A. Yes, sir.

Q. And you are the assistant superintendent of the new part?

A. Yes, sir.

Q. How long have you been connected with the institution?

A. Since the first day of January, 1877.

Q. Previous to that, have you had experience in the management of boys?

A. Yes, sir.

Q. What has been your experience?

A. My experience has been in the public schools hereabouts. I was principal of the Willow Park Seminary in Westborough for a year and one term. I was also principal of a grammar school in Kingsborough one year. Besides that, during my course in college, I used to teach three months each year. I taught three months for three successive winters in Tiverton, R. I.

Q. You have been at Westborough as assistant superintendent of the new part since the first of January?

A. I would like to say that during the first part of my stay I did not perform any duties as assistant superintendent. I filled the position of fourth school-teacher, which is usually filled by a lady. They were short of teachers.

Q. What have been your duties since you have been in that school—what have they been since you went there?

A. For a while, till a lady teacher came—I cannot tell how long—I went around to fill vacancies. I had no particular duties assigned to me until somewhere about the sixth of February, when the assistant superintendent of the old part left, and I took his place and filled the position of assistant superintendent for two or three weeks—I have forgotten exactly how long—until the present assistant superintendent in the old part came.

Q. Have you had any occasion to take any part in the discipline or punishment of the boys since you have been in the institution?

A. Yes, sir.

Q. Frequently?

A. Well, several times.

Q. Is there any case of severe punishment that you yourself had part in?

A. Well, in answering that question, I would like to ask you what you mean by the word "severe"?

Q. I mean, by the word "severe," was it severe for the offence committed; or severe in any sense.

A. Well, I have administered punishments once or twice that were severe punishments, but not severe in comparison with the offence.

Q. I will ask you definitely, then, to relate the offence and the punishment inflicted, in the cases you may have considered severe, and the time.

A. Well,— I can take any instance I chose?

Q. Yes, sir.

A. Then I will take the instance of the boy Lombey. I cannot give you the date.

Q. About the time.

A. It was during the first three weeks in January; my report of the punishment would give the date.

Q. Very well; then it was early in January?

A. He was in the fourth school.

Q. In the main building?

A. Yes, sir. One day I had occasion to speak to him with regard to his conduct; he is a boy of passionate nature, and immediately grew sullen, and after I had spoken to him the first time he appeared very impudent to me, and took occasion to try and have the other boys laugh in the school. He was seated by himself on one side of the school-room, as the teacher before I came had found him difficult to manage, and seated him on one side to keep him away. On this occasion he had turned around facing the school, and was making some motions as I looked around once and awhile with my eye. He was really behind me where I could not watch him. He attempted several times to make the same offence, and it caused some of the smaller boys to laugh. I told him to face around with his back to the school, and he seemed very much excited about it and very angry, and for two hours he took every occasion to render the school-room very uncomfortable for me. During the last of the day he was called on to recite. He had not committed his lesson, and I told him he might be seated and commit it. He soon raised his hand and said he was ready to recite, but I immediately perceived he was no more prepared than on the first occasion. I told him to be seated, and this was again repeated. I told him the third time not to try till his lesson was committed. He turned upon his seat and kicked the desk; and he acted in that way until the whistle blew for prayers. The next day I called him into the office and talked with him about it. He was very angry then, and said he had done nothing to be punished for and shouldn't be punished. I told him I thought he would be punished; and the result of it was we had a tussle.

Q. What was the nature of that tussle?

A. As the boys call it, "pitching in." He resisted me.

Q. You were about to punish him, and he resisted?

A. I was about to punish him, and he resisted. Being quite a strong boy, we had quite a tussle; I finally overcame him, and punished him with the strap upon the thigh and buttock.

Q. With his clothing on?

A. His shirt and pants were on, but the pants were dropped.

Q. Was that in the presence of the school, or by himself?

A. It was in the presence of the superintendent only.

Q. How severe was the punishment? How many blows?

A. I should think I struck the boy—I think my report will show the number of blows—about 15 blows.

Mr. WASHBURN. That is the boy named—

The CHAIRMAN Lombey.

Mr. WASHBURN. How about the boys named Dennis Sullivan and Kelly?

The CHAIRMAN. Let us finish up with the Lombey boy. [To witness.] You say you struck him 15 blows; what was the result then? Did he come to terms and behave himself?

A. He promised to behave himself, and was a very obedient boy; and besides, he said he was very angry at that time, and acknowledged that he was in a passion.

Q. Was the strap similar to this one? [Holding up the thin strap and the trace.]

A. I should say it was like the one in your left hand [the thin one].

Q. Were the blows sufficient to break the boy's skin or bruise his body?

A. I don't think his body was bruised.

Q. What condition was the skin?

A. I don't think it was discolored.

Q. About the application of the strap; did the boy complain after that to you or to any one else of the severity of the punishment?

A. No, sir; I never heard the boy mention it. I never knew he mentioned it.

Q. Do you remember the punishment of the boy Sullivan?

A. The Sullivan at the Farm House?

Q. Yes, sir; the punishment of the boy Sullivan. Will you please relate the place where and time when, and the offence the boy committed, and the circumstances attending the punishment of the boy Sullivan.

A. On the morning of the 3d of February, while I was at the breakfast-table, the superintendent came and gave me a note, and said, "There is a note which I wish you to consider." I found it was from Mr. Hinckley, master of the Farm House, saying he was unwell and abed. Although the superintendent did not tell me, I knew he wished me to fill the place. I went immediately to the shop after rising from the breakfast-table. I went to Mr. Hinckley's room, and he told me something of the work of the boys. Some were filling beds, and some were at work about the house, and reported to the shop after awhile. He advised me to look after the boys filling beds first; and not having had anything

to do with the Farm House previously, I followed his advice as near as possible, and looked after the boys filling beds; and after getting through there went to the shop to see the boys upon the farm. Nothing particular occurred in the morning. At dinner-time we went out at the usual hour when the shop lets out and to the bath-room where the boys wash, and the boys went with me to dinner in the dining-room where there were two tables.

Q. This is at the Farm House?

A. Yes, sir. The officer at the Farm House eats with the boys. There are two tables, longer than this, but not as wide, one of them immediately in front of the door, the other at the left, so that the persons sitting at the head of that table could not see out into the kitchen. I took the position at the head of the left table, Mrs. Hinckley sat at the table in front of the door, and Miss Hinckley also at the same table. After finishing the dinner, and giving the signals that Mr. Hinckley usually gave for the boys to pass out, the boys passed out into the bath-room. I followed them out, and came back into the kitchen. Mrs. Hinckley said some of the boys had stolen meat in passing out into the dining-room. I asked her what boys had stolen the meat, and she said, "Several." I said, "Name them." She said, "Sullivan and Kelly are the only boys I am sure of, and I think other boys have stolen meat." I said, "Mrs. Hinckley, I had better refer this case to your husband, as he knows better than I do." She said, "No; you are in charge to-day, and you had better attend to it. He has enough to trouble him without taking charge of this case." I said, "You think these boys deserve punishment?" and she answered, "I do." I asked her what punishment I should inflict, and she named two or three. I asked if Mr. Hinckley used the strap, and she said he did, and he had one in his room, and she would get it; and, furthermore, I thought the boys would obey me better if they knew I had one in my possession. She got the strap, and I went to the workshop. It is some distance between the house and the barn. There is a driveway between them. She said she thought those two boys deserved punishment, and as I didn't intend to shirk my duty, I intended to punish them. The boys were called out. I cannot tell which first; either Sullivan or Kelly. I called him out into the outer room, and talked with him, and he denied stealing the meat. I said, Mrs. Hinckley said she is sure you stole the meat. I think I took the strap out of my pocket. He said, "I didn't steal the meat, and I ain't going to be punished." He talked very impudently to me, and I thought perhaps we might have a struggle, and I didn't care to have the other boys hear, and I took him across to the barn. He was also very impudent going across, and said many impudent things. When we got there, I said he might drop his pants, and he said he wouldn't. I took out my watch, and said I would give him two minutes to drop his pants. He soon dropped his pants, and I punished him across the thigh and buttocks. I don't remember the number of blows, but it was not so many as I gave the boy Lombey. I had two charges, one for stealing the meat, and the other for impudence.

Q. You say he said he had not stolen the meat?

A. He told me he had not stolen the meat.

Q. Mrs. Hinckley told you he had, and that was the evidence upon which you inflicted the punishment?

A. Yes, sir. I had a talk with her, and she said several boys stole meat, and these two were the only ones she was sure of.

Q. How old is this boy, Sullivan?

A. I don't know his age, but I should think in the vicinity of 14.

Q. A small-sized boy?

A. A fair-sized boy, for that age.

Q. You say you did not punish him as severely as the boy Lombey?

A. No, sir.

Q. Do you know whether the punishment was sufficiently severe to break his flesh?

A. I don't think his flesh was broken. I looked at the boy after he was punished.

Q. The testimony given here before has been that the punishment raised large blisters, leaving the flesh raw. Should you know whether that was true, if it was so?

Mr. DAVIS. When was that testimony given?

The CHAIRMAN. I am reading it from the 166th page in this report of the testimony. It is [reading]—

"The case of Sullivan, punished by Mr. Wood, I saw the marks on the boy's back; apparently the first blows of the strap had raised large blisters, and the following blows had taken the blisters off, leaving the flesh raw."

That is the testimony of Mr. Phillips on the fifth hearing. I ask you, Mr. Wood, whether you know that is a fact? Do you know whether the blows produced that effect?

A. Well, sir, the boys bathe on Saturday afternoon; I saw those boys bathe, and had good occasion to look at them closely. I noticed that the flesh was discolored, and took particular notice of the body, but saw no blisters and broken flesh. This was between half-past 12 and 2 o'clock. I wish to say it was about 1 o'clock that I administered the punishment, and they bathe in the vicinity of from 4 to 5, I should think.

Q. You saw the boy from 4 to 5 o'clock; you saw the body where you had inflicted the punishment?

A. Yes, sir.

Q. (By Mr. DAVIS.) That same day?

A. Yes, sir.

Q. (By the CHAIRMAN.) Are you able to swear positively that that body was not raw?

A. I am able to say I looked at the boy quite closely, and did not see it.

Q. Were there appearances of his having been severely punished?

A. No, sir.

Q. What was the appearance of the boy's body, where he had been struck?

A. Some places where the strap had hit were quite red, and those were a little discolored. Where the end of the strap hit it would be dis-

colored a little. The flesh is very tender there, and a very slight blow will produce discoloration.

Q. Was this the strap you used ?

A. The strap Mrs. Hinckley gave me was a heavier one.

Q. Similar to that one? [Pointing to the thin strap.]

A. No, sir. It was a strap, I should say, about that length, but heavier.

Q. A strap of that length and thickness ?

A. I should say a little thicker than that; perhaps not, but it was a good solid piece of leather.

Q. A similar piece of leather, was it ?

A. Yes, sir.

Q. Did that boy complain of the severity of his punishment to you or to anybody else, to your knowledge ?

A. No, sir.

Q. Did the boy apparently suffer any inconvenience from that punishment that day or the next day ?

A. The next day I cannot say anything about because I was not there and didn't see the boy, but that day I was there and finished out the day, and he went right into the shop immediately and performed the usual amount of work, and everybody in the shop that day finished the regular "stents," and were let out about fifteen minutes before the usual time. I saw no reason why I shouldn't excuse them, as the monitor said they had finished their "stents."

Q. Are there any other cases of severe punishment that you call to mind ?

A. No, sir; not that I know of.

Q. Of your own knowledge ?

A. Not to my personal knowledge.

Q. You say that you didn't discover any evidence of blistering or breaking of the flesh the afternoon of the same day this punishment was inflicted ?

A. That is what I said, sir.

Q. Now, it was testified here, that, a day or two after, this boy's flesh was raw in consequence of this whipping; is it possible, in your judgment, that his flesh could have been in a worse condition two days' after than it was the same afternoon ?

A. I cannot say, only in one way; that the boy might have scratched his flesh when it felt irritated, and it might possibly have broken the skin.

Q. In looking back upon that punishment, do you consider it more severe than the offence justified ?

A. No, sir; I do not. In fact, the boys were very impudent to me indeed, besides the offence of meat-stealing.

Q. Is that a more severe punishment than you would have been likely to inflict in any other school for a like offence ?

A. No, sir.

Q. So far as you know, in the Westborough Reform School, are the punishments unusually severe ?

A. So far as my personal observation has been, they are not.

Q. You haven't been there a great while, and have not had an opportunity to judge as you otherwise would?

A. No, sir.

Q. Are there any of the modes of punishment there,—by strapping, the use of what is termed the sweat-box, or the lodge,—that you consider injudicious or too severe?

A. No, sir; not if they are used according to the direction of the superintendent.

Q. So far as you know, are they used in any other way than in accordance with his directions?

A. No, sir. I suppose you want my personal knowledge?

Q. Yes, so far as you know; having been there but a short time, I don't care about anything but what you know.

A. No, sir; so far as my personal knowledge.

Q. (By Mr. DAVIS.) You testify in this matter of the management and punishment of boys; do you testify as an expert in this business?

A. I don't know that I consider myself as an expert; I have had some considerable dealings with boys.

Q. (By the CHAIRMAN.) How many years' experience have you had? I didn't ask you that question.

A. I said I had charge of a grammar school one year; was one year and one term as principal at Willow Park Seminary, and, besides that, I have taught four or five winters in promiscuous schools,—that is, schools of all ages, which are not graded.

Q. District schools in the country?

A. Yes, sir.

Q. During your college term?

A. Yes, sir.

Q. (By Mr. DAVIS.) What I mean by that is, whether or not you know anything more about the management and punishment of boys because of what has come under your general observation in your general duties. Is that all you know about it?

A. Yes, sir.

Q. You have never taken the pains to inform yourself by discussions with other men in the management to know whether this or that thing is a good way, or whichever is the best way?

A. I have read a good deal in journals of education, and talked a good deal with teachers.

Q. All you base your information on is, that it is generally conceded by these persons whom you have talked with, that taking a strap and whipping a large boy and exposing his person, etc., and whipping on the bare skin—is that generally considered, in the district and high schools, a good method of punishment?

A. It is considered a good method as a last resort.

Q. Is that kind of punishment always justified in schools where you have taught?

A. I never have experienced any difficulty in such schools.

Q. Take the schools in any of these towns where you have been; do you suppose they would have objected to such treatment?

A. No, sir.

Q. Have you administered such treatment before in school?

A. I never used the strap before.

Q. You never used the strap on a boy before till you came to the Reform School,—on the bare skin.

A. I have used the birch ruler.

Q. Then, really, all you know about using the strap and punishing on the bare skin is what you have taken up since you have been at Westborough?

A. Yes, sir.

Q. In your judgment, would it be allowed by school committees and towns generally in the Commonwealth, to take the large boys and strap them?

A. There is a great difference of opinion upon that point.

Q. Generally, do you think it would be allowed?

A. I don't know of any town or school committee in general; I think that in one or two cities they have abolished corporal punishment.

Q. When you were first questioned, the Chairman asked you what you considered a severe punishment. I now ask you what you consider a severe punishment?

A. Well, I should consider severe, a punishment of fifteen blows with that strap.

Q. Did you give him that?

A. I gave Lombey that.

Q. You call it a severe punishment?

A. Yes, sir.

Q. How many did you give Sullivan? Did you testify 10 blows?

A. I don't think I testified to the number of blows.

Q. Do you consider that a severe punishment?

A. Yes, sir. In our reports there—that is in the blank that is given us—the punishment is to be named, whether mild or severe. We make a distinction and call one mild and another severe. If I gave a boy 3 blows with a strap, in my report I would say "mild punishment." If I gave the same boy 10 blows, I should report that as severe, because in comparing the two one is severe and the other mild.

Q. Do you ever get angry when you punish boys?

A. I don't intend to.

Q. Do you?

A. I was a little angry with the Lombey boy.

Q. Did you strike some of the blows after you were angry, do you think?

A. Yes, sir. Perhaps I was not so angry as excited. I was excited because the boy was very impudent.

Q. Do you think you punished him harder than you would if you had not been excited and angry?

A. No, sir. The case was very aggravating.

Q. Were Sullivan and Kelly trust boys, some of the better boys?

A. They were at the Farm House.

Q. If they had not been somewhat of the better class of boys, they wouldn't have been out there?

A. I will answer that question by repeating a conversation with one of the teachers. I said he had some of the best classes of boys, and he said, "No, we have got as bad boys out here as there are in the house."

Q. That is all you know?

A. Yes, sir. In fact, one of the masters said the boys were just as bad.

Q. Have you put boys in the sweat-box?

A. Yes, sir.

Q. What was it called to the sub-committee when they went up there?

A. I presume it was called "the box."

The CHAIRMAN. We don't want to know about that?

Mr. DAVIS. It has been called "the box" in the testimony. I want to know what he would call it?

A. The officers take up a great many terms from the boys.

Q. How many boys have you put in the box, or the sweat-box?

A. It would be pretty hard work for me to answer that question?

Q. As near as you can tell?

A. I should think I have put in eight or ten, more or less.

Q. When you put them in, do you crowd up the side of the box as tightly as you can?

A. I put the boy in so as he can stand upright. I don't put him so as to press his shoulders.

Q. How do you know?

A. I slip my hand between the board and the boy's shoulder. I never put a boy in except I did that.

Q. Between this board and standard there is a sort of a follower that goes down?

A. Yes, sir.

Q. And it goes down fast on the board?

A. Yes, sir.

Q. And, consequently, if the board is pressed down tighter, the follower would keep it compressed, wouldn't it, so it couldn't give way?

A. I don't understand your question; you said something about the board giving way.

Q. Going in,—giving, when pressed up.

A. It will keep it in that position.

Q. Whatever it gives way, the follower takes up?

A. Yes, sir.

Q. And, consequently, it becomes tighter and tighter, and cannot give way?

A. The follower is stationary, and after you put a boy in, there would be no chance of the box growing tighter and tighter; no chance for that.

Q. Which way does the follower go? Does it start from the top or the bottom?

A. If you should make it narrower, the follower goes up; and if you should make it wider, the follower goes down.

Q. Perhaps I got a wrong impression. About how much does the Lombey boy weigh?

A. I should say about 144 or 145.

Q. How much do you weigh?

A. I weighed 159 the last time I have weighed.

Q. In the matter of pounds, you would be his superior?

A. Yes, sir. Lombey isn't a very tall boy, but he is very thick, indeed.

Q. This matter of taking meat you referred to, you didn't know anything about but what Mrs. Hinckley told you?

A. Mrs. Hinckley reported it to me.

Q. And on the strength of her statement you punished him?

A. Yes, sir.

Q. (By the CHAIRMAN.) Didn't you state that it was also for the impudence of the boy?

A. O, yes; the punishment was more than I should have given him for stealing the meat.

Q. (By Mr. DAVIS.) Were both the boys impudent?

A. Yes, sir.

Q. And you punished them alike?

A. Yes, sir.

Q. What do you call impudence?

A. If I take a boy out, and he tells me he won't take punishment, and that I am not the master of the Farm House, I should punish him.

Q. Is that what he did?

A. Yes, sir.

Q. Is that what both did?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Mr. Wood, how long did I understand you had been connected with the school?

A. Since the 1st of January.

Q. Since the 1st of January?

A. Yes, sir.

Q. You were appointed at that time, and assumed the position of assistant superintendent?

A. No, sir. I was appointed before that, but didn't assume the position at that time.

Q. When did you assume the position of officer of the institution?

A. I assumed the position of officer of the institution on the first day of January, 1877.

Q. Through whose influence did you get your appointment?

A. Through whose influence?

Q. Yes, sir. To whom did you go in the matter?

A. I applied to Col. Shepard and Dr. Harvey and the board of trustees. I came into Boston to see the trustees.

Q. How many boys did you punish in the month of January?

A. I don't remember. My report will show.

Q. Did you punish any boys in the month of February?

A. Yes, sir.

Q. Did you make any report of them?

The CHAIRMAN. He just testified to punishing this Sullivan boy on the first day of February. If the gentleman is late, he must take the consequences.

Mr. PRESCOTT. Excuse me, Mr. Chairman, I wished to find out. [To witness.] Have you made any written report of your punishments during the month of February?

A. No, sir.

Q. How many boys did you punish in February?

A. I don't remember. I punished these two.

Q. Why didn't you report these?

A. Because I considered it would go into the report of the Farm House.

Q. What was your position during the month of January? You had charge of what boys?

A. I had charge of the fourth school.

Q. These records require the officer to state whether the punishment was mild or severe?

A. Yes, sir.

Q. Did you so state in your reports?

A. I cannot tell you. My report will show.

Q. Your report shows that from the second day of January, which was the first day you commenced, until the first day of February, you punished some 18 boys; there is a list of them. That is your report, is it? [Handing witness the paper.] Why didn't you report in here whether the punishment was light or severe?

A. I have explained that that would be reported in the number of blows.

Q. What is light and what severe?

A. I call 3 blows with a strap mild punishment, and 10 or 15 blows severe punishment.

Q. What do you say of these punishments? Explain the one marked 13.

A. I should say that 10 or 15 blows was a severe punishment.

Q. The force of the blows has nothing to do with the severity?

A. The force of all those blows was about equal.

Q. Were those blows all struck upon the hand?

A. No, sir.

Q. How many have you punished otherwise?

A. I couldn't tell you.

Q. About how many of these boys have you punished otherwise than on the hand?

A. Let me look at the names of the boys, and perhaps I can give you some. [Takes the paper again.] Well, I should say 8 or 9.

Q. Eight or 9 otherwise than on the hand?

A. Yes, sir.

Q. How did you punish those?

A. On the thigh and buttock.

Q. With their clothes on?

A. The pants dropped below the knees. They had on the shirt and jacket.

Q. In the case of 8 or 9 the pants were dropped below the knee. They were punished upon the bare flesh?

A. Upon the buttock and thigh.

Q. This is your first month's record as an officer of that institution?

A. Yes, sir.

Q. How old are those 8 or 9 boys that you punished on the bare flesh?

A. I don't know.

Q. About how old?

A. They ranged from 10 to 14 or 15.

Q. None older than that?

A. I should judge not any older than 15. It may be I may be mistaken. One boy I thought not more than 13 years old, I lately learned was 18,—not a boy I punished.

Q. Who of these boys have you punished, in that way, on the bare flesh?

A. I have punished Coughlin.

Q. What was his offence?

A. Whispering.

Q. Any other of these boys punished on the bare flesh?

A. Lee.

Q. What was his offence?

A. Murmuring.

Q. What is murmuring?

A. Making a noise by muttering or murmuring.

Q. What other boy here did you punish on the bare flesh?

A. Young.

Q. What was his offence?

A. Whispering.

Q. What other boy?

A. Lombey.

Q. Did you punish him on the bare flesh?

A. Yes, sir.

Q. How old is Lombey?

A. I should judge about 14.

Q. (By Mr. TOMPKINS.) Did you punish the boys for whispering and murmuring for the first offence, or for persisting in it?

A. Persisting in it.

Q. You didn't punish a boy for the first offence?

A. Never since I have been there.

Q. Only on his persisting in it?

A. Only on his persisting in it.

Q. After you had spoken to him?

A. Yes, sir. In the case of Lombey, I have had two or three talks with him by himself.

Q. (By Mr. PRESCOTT.) How old did you say the Lombey boy was?

A. I consider him about 14, or in that vicinity. He may be older and he may be younger. I don't know his age.

Q. He is a large boy, isn't he?

A. He is a very thick boy, chunky and fat.

Mr. PRESCOTT. As the witness does not know the age of the boy Lombey, who was before the sub-committee at the institution, I would state that his age, as testified to by himself, is 17; and he is a large boy.

The CHAIRMAN. The boy Lombey testified that he was 17 years of age.

Mr. WASHBURN. When did he testify that? I should think that if the statement of the boys are to be taken they should be made under oath.

Col. SHEPARD. I think he is between 17 and 18.

Mr. WASHBURN. If these statements are to be made, I think they should be made under oath,

Mr. DAVIS. I think he was put under oath; I believe he told that he was 17.

Q. (By Mr. PRESCOTT.) I understand that you made no report between February and March?

A. I made no report. I punished none except those two boys, and I have since understood that they should have been put into my report.

Q. How did you keep the record of those 18 boys?

A. In a memorandum-book.

Q. Have you got it here?

A. No, sir.

Q. This blank requires officers to fill out the date; also, to fill out whether the punishment was light or severe?

A. Yes, sir?

Q. Have you, in any or in either case, given any date of the punishment?

A. I have only given the month, sir.

Q. Will you state whether you have recorded, in those 18 punishments, in regard to the mildness or severity of the punishments?

A. I haven't recorded it in any other way, save as I have explained, I have recorded the number of blows.

Q. Have you ever seen boys punished there by having water played upon them?

A. Yes, sir.

Q. What have you seen?

A. At the time of the riot, I saw 70 or 80 boys that had water pretty near them. I could not swear that all had water on them; but the most of them were pretty wet.

Q. After the riot, do you know anything about boys having water played upon them in the lodge?

A. No, sir.

Q. You know nothing of that?

A. No, sir.

Q. (By Mr. ALLEN.) You say the superintendent, Colonel Shepard, saw you punish the boy Lombey.

A. Yes, sir.

Q. What did Colonel Shepard do? Did he take any part in it?

A. He did.

Q. What did he do?

A. He took hold of the boy about his shoulders and arms and assisted me to overcome him.

Q. Did the boy become stripped during the punishment?

A. I could not swear he was.

Q. Could you swear he was not?

A. No, sir; we were quite excited, and I think I gave Colonel Shepard two blows intended for the boy.

Q. How did he seem to like it?

A. He never found any fault.

Q. I want to ask you one thing; I observe in all your reports "effect good"; did you ever make a report of a punishment where you didn't report the "effect good"?

A. No, sir; that is in my report for January.

Q. Did you ever know an officer in that institution to administer punishment and make a report, where that report didn't say it had good effect?

A. I don't know about the reports of other officers; I never looked at a report in my life.

Q. (By Mr. TRAIN.) Did you say you punished, in school, some 18 of them in one day?

A. No, sir.

Q. Well, within a few days?

A. Within a month.

Q. Do you suppose, taking those same boys and putting in the same blows, you can inflict severer punishment with your hand, and mark every one of them?

A. Yes, sir; but it wouldn't have hurt them as much.

Q. But it would hurt you?

A. Yes, sir.

Q. You mean you could leave marks upon them?

A. I have frequently left marks upon people by my hand, when in bathing. I remember once while in college that I left a mark upon the back of a friend of mine, which showed for a week.

Q. (By Mr. WASHBURN.) This matter has run along on the basis of a police inquiry, and I should like to ask a question leading to some principle. Now, we are here to see if any improvement can be made in the system of management. Now, can you help this Committee by some suggestion based on your experience and observation? Can you render this Committee some assistance in suggesting an improvement in the system? What improvement, what method can you suggest by which the boys at Westborough should be most frequently treated? The character of the boys there is not that of the boys in the high and district schools of the State. What suggestion can you make for improving the plan of treating boys of the class that are at Westborough? If you can make any suggestion, based on your experience in that respect, I think I

am prepared to say you will render a public service by testifying. If you can think of anything, I wish you would say it.

A. I don't know that I have any very important suggestion to offer to the Committee. I would like to say, that when I took this fourth school, I found it in rather a demoralized condition; and the school is as different from the school when I took it as one could well imagine. The scholars had been allowed to run at random. The boys, in passing in from the yard, are to pass in in line, and the teacher of the fourth school receives the third and fourth schools. The boys have told me, and the teachers have told me, that these boys came in hollering and squealing by the teachers who had been there. Col. Shepard had been trying to fill the place, and as he wanted the person to be a music teacher, he didn't succeed. Judging from what the boys and teachers tell me, they were in a demoralized condition. They were accustomed to jump over the desks in a disorderly manner; none but one boy attempted that with me, and with a little persuasion with the strap, he never attempted it again. It was never attempted again to my knowledge or the knowledge of the lady teacher there. The school now passes in in a very orderly condition. In regard to the punishments in the month of January, I attribute it to the fact that I found the school in a very demoralized condition. The boys there are of a class who are bred in vice and passion, and it is hard to work upon them by persuasion alone, and by talking with them. For instance, we have a boy named Regan who has spent two years at Deer Island. Am I right Col. Shepard?

Mr. WASHBURN. No matter. It is some time.

WITNESS. Some time at Deer Island, and he has been sent there since. The boy went into the school with this lady teacher. She took him up and talked to him about his unruly conduct. He wouldn't obey her, and whispered and talked loud in school repeatedly. She repeated the trial; she talked to him several times, and I think Col. Shepard talked to him; but the third time I strapped the boy, and since then his lessons have been well committed, and he has been quite a well-behaved boy.

Mr. WASHBURN. Mr. Wood, I never saw you before, and I don't know anything about your views; but you must have an opinion worth considering in making up a conclusion in reference to this matter, and especially in reference to this point: What should you think would likely be the result of this division of the school—this separating into two establishments provided for by recent legislation? Assuming that the management of the boys has been unsuccessful, what should you think of the future prospects arising from the legislation in regard to the school?

A. I should think it would be a great improvement, because of this fact: some of the worst boys are accustomed to take some of the smaller and more innocent boys, and most free from vice, and, as they call it, "chum" with them. They are very affectionate, and try to make those boys their friends,—the worst boys do,—and from that fact, by taking away this evil element, it will leave these boys freer from temptation to vice.

Q. I understand and have got this impression from the testimony as it has come in here, and as I have read it,—that is to say, that this cor-

poral punishment hasn't been found or hasn't been mainly dealt to the largest boys?

A. O no, sir.

Q. Then what do I understand your impression to be? Because it is to the future that I am directing my inquiries. Do I understand that it is your impression that the removal of these larger boys, by taking them from the contact with the smaller boys, and from their influences, that the effect of that is likely to be to reduce the amount of insubordination and trouble with the smaller boys?

A. Reduce it, you say?

Q. Yes, sir.

A. I think it would have that effect.

Q. You think the older boys will be disciplined to advantage by the ordinary systems by which people in the houses of correction are disciplined?

A. I shouldn't confine it to the older boys.

Q. The worst boys?

A. Because some of the older boys are the best. But I would include the worst boys; I wouldn't include any of the very youngest.

Q. Then, is it your impression that the result of the legislation, which I understand was had at the long-continued appeal of the trustees,—do I understand you, as an expert, to say, that that legislation, properly regarded, will tend to reduce the evils at Westborough with reference to the punishment there?

A. I should think it would.

Q. Have you read the bill which Mr. Allen has submitted to this Committee?

A. Yes, sir.

Q. What do you think of it as an expert? What is your impression of it?

A. Well.

Q. Now, the first section of the bill [House Doc. 202] provides that the trustees shall prescribe in writing the methods of punishment. That is the first section. Then the second section says:—

“Section 2. A record shall be made in a book kept for that purpose by the superintendent of said reform school, of every case of punishment upon any inmate thereof, giving the date, the cause, the kind and extent of the punishment in full, and by whom and by whose orders the same is inflicted.

“Section 3. Any officer or employé of said institution who shall violate any of the provisions of this act, shall be immediately discharged from his office or employment, and shall pay a fine of not less than twenty-five, or more than five hundred dollars, or be imprisoned not more than one year, or both.”

A. The second section is substantially in force there now. In fact, it is in force wholly. We have a record-book, and the record is now made immediately after the punishment is inflicted; and the kind and extent and the date, and everything is given.

Q. If that isn't done, it is negligence of duty on the part of the teacher?

A. Yes, sir.

Q. Then, why isn't Mr. Allen's bill—looking not into details, but to the broad and general effect—a pretty good bill?

A. I don't see any objection to it, except the clause—which I shouldn't be in favor of—which says an officer shall pay a fine, etc.

Q. You would say, with reference to any position, that a man who violated his duties should be discharged?

A. Yes, sir.

Q. Then, why not impose a fine?

A. I won't enter into an argument on that point. I don't care to.

Mr. ALLEN. You would have a law against an officer doing wrong, but have no punishment.

Mr. WASHBURN. No, have him discharged. That is a matter of opinion. (To witness.) So far as the doctrine of that bill is concerned, it would seem likely—if the changes in the building and in the system are made—to cover future exigencies, so far as your judgment is concerned?

A. Yes, sir.

Mr. WASHBURN. And so it strikes me.

Q. (By Mr. ALLEN.) I want to ask another question in furtherance of what Col. Washburn has said. As the school is now constituted, do you think order and discipline could be preserved without using the sweat-box and strait-jacket, and strapping upon the person?

A. It would seem almost impossible to me.

Q. That is, with the present officials and the school as it is; and you think substantially as it has been?

A. I will put in *any* officials.

Q. With the present officials, do you think it would?

A. Yes; or any other.

Q. If a change were to be made in the school, as it is now in relation to severe punishments, it could only be done by having a new set of officers there?

A. I don't think they could.

Q. You don't think the present ones could do it?

A. I said I didn't think any officers could do it.

Q. Then you certainly don't think the present ones can do it?

A. I don't think it can be accomplished. Your question is to abolish corporal punishment.

Q. My question is, abolish the strait-jacket, the sweat-box and punishment with the strap upon the naked person, and can you preserve order with the present board of officers and teachers?

A. That would be virtually abolishing corporal punishment.

Q. I think it would not. It would be abolishing barbarity.

A. You have your opinion and I have mine.

Q. (By Mr. HYDE.) Did you take Mr. Hinckley's place at the institution the next week after he left?

A. On the next Monday.

Q. Did you have any trouble with those boys the next month?

A. None whatever.

Q. They appeared to like you?

A. Yes, sir; they appeared to.

Q. Was this boy Sullivan punished the next week, that you heard?

A. I heard about Sullivan being punished the next morning.

Q. Where was he punished?

A. I have heard that he was punished on the buttock and back. I don't know; I have heard it; I have seen it in the printed testimony.

Mr. ALLEN. I have one witness I would like to have testify. His testimony will be very brief. I desire to say he has been a boy in that institution and was sent out on probation, and he is very much afraid that if he comes here and testifies he will be sent back again. I have assured him that this Committee would, to the best of their ability, protect him against anything of the kind. The boy was discharged on probation, I understand, last July, and is afraid if he comes in and testifies, that he will be sent back again. I want the assurance of the Committee that he shall receive the protection of the Committee.

The CHAIRMAN. He can have that assurance.

Mrs. S. B. MOORE—*Sworn.*

Q. (By the CHAIRMAN.) How long have you been at the institution, Mrs. Moore?

A. Eight years.

Q. What was your position in the school?

A. I take charge of the dining-room.

Q. At present?

A. Ever since I have been there.

Q. Is that your only duty?

A. That is my only duty.

Q. Then you see the boys when they are at their meals?

A. Yes, sir.

Q. You have been there eight years, and you know a good deal about the character of the boys in the school, do you not?

A. Yes, sir; considerable.

Q. I want to ask you particularly about the case of Jones and Fitz-Gibbons, I think it is?

A. Yes, sir.

Q. Will you be kind enough now, in your own language, to give us the full particulars of that case?

A. Yes, sir. I was in the evening attending to my duties as usual, and was engaged in looking at a bowl to see if it was cracked, and this Jones came and knocked me down.

Q. With his fist?

A. Yes, sir. And the other boys immediately sprang forward and held me down; they abused me very badly.

Q. The other boy was Fitz-Gibbons?

A. Yes, sir.

Q. Did they say anything at the time?

A. They did not seem to say much; they only wanted to get at my

keys. As soon as I found out what they were after, I resisted as hard as I could; I did not want to let them have my keys. They scratched my face, jammed me very badly all over, and blacked my eyes.

Q. What occurred next?

A. I tried to holler, but I could not. There were four of them engaged in it in the first place, and two of them got frightened and went for Mr. Chase, the officer. I could not very often get a chance to scream, because they were holding me. They got my teeth crosswise in my mouth and hurt me very much, cutting my mouth and face badly. For several days afterwards I raised blood.

Q. Were there other boys than these two?

A. Yes, sir; there were five, but one did not take any part.

Q. And two desisted after the commencement?

A. Yes, sir.

Q. And the boys Fitz-Gibbons and Jones continued?

A. Yes, sir.

Q. Who appeared first?

A. Mr. Chase appeared first.

Q. What did Mr. Chase do?

A. He took the boy from me. He went after Jones and took the keys from him, and then took Fitz-Gibbons off me;—no, I believe he secured Fitz-Gibbons first, and then got the keys from Jones.

Q. How did Jones get them?

A. I held on to them as long as I could, but he finally got them away.

Q. After the boys were taken from the room, did you hear anything more of them?

A. One of them was brought back again. I saw them several times afterwards.

Q. Which one was brought back?

A. Fitz-Gibbons was brought back, and sat down in the kitchen.

Q. The same day?

A. The same evening, within half an hour.

Q. After he had been punished, as you supposed?

A. I knew he was punished.

Q. Did you ever hear how many times he was punished for that?

A. I do not know that he was ever punished but once for that. He was put in one of the dormitories.

Q. That is all you know?

A. Of that particular case.

Q. You have been there eight years?

A. Yes, sir.

Q. Is the character of the boys in that institution any different now, from what it was in the first of your being there?

A. Yes, sir; very different.

Q. In what respect?

A. They are worse.

Q. Well, how does that difference manifest itself; what do you see that indicates that difference?

A. They are more impudent, and find more fault with things in general, and with their treatment. They find more fault with their food.

Q. Is there any difference in their age?

A. Yes, sir.

Q. They are older boys now?

A. Yes, sir; there are a great many grown boys.

Q. You know, more or less, I suppose, about the discipline of the institution, if you have been there eight years, do you not?

A. I do not know only in my department. I do not know anything about anything else.

Q. Well, those that you have in the dining-room under your charge?

A. There is a man in the kitchen, Mr. Moore, that has five boys, and I have five boys in the dining-room. He takes care of the boys, or if they are very bad, I send for an officer.

Q. Are all the boys in the dining-room at one time?

A. No, sir; only what I have in my charge.

Q. Five of them?

A. Yes, sir.

Q. (By Mr. TRAIN.) You mean your assistants?

A. Yes, sir.

Q. (By the CHAIRMAN.) When the boys are at their meals in the dining-room—

A. I have nothing to do with them; the officers come in, and I leave the dining-room as soon as the officers come in.

Q. You see the boys at various other times, I suppose, do you not?

A. I do.

Q. Do they talk with you about their food?

A. Yes, sir. I speak with the boys in my department, and several of the other boys in the front part.

Q. Do the boys complain to you that they are badly treated in the institution?

A. No, sir.

Q. Do they complain now, any more than they used to, of their treatment?

A. I do not see that they do any more. They find fault with their food, or something of that kind, more than they used to.

Q. I mean, do they complain that they are harshly treated?

A. They have not complained of that except when one gets punished. They find fault and talk considerable about it, if they get punished. They get a little angry and excited for the time being, and then they have no more to say about it.

Q. Well, so far as you know, are they harshly treated in that institution?

A. No, sir; I think they are very kindly treated.

Q. You were there when Mr. Evans was superintendent. Are they any more harshly treated now than when Mr. Evans was superintendent?

A. No, sir; not any more.

Q. Do you know whether or not there is more or less punishment now than when Mr. Evans was there?

A. I should think there was fully as much when Mr. Evans was there as now; about the same, if not more, in some instances. The first part of the time with Mr. Evans I think there was more punishment than now; the boys talked more about it. I do not know anything about their being punished; I never saw it, and only know what they say.

Q. I am only asking you so far as you know yourself about it?

A. That is all I know. I never saw a boy punished myself since I have been there.

Q. Have you never heard a boy complain that he was too harshly treated or too severely punished?

A. Well, all of them, when they had been whipped, think they are too harshly treated.

Q. Have you seen any indications, from the boys' appearance, that they have been harshly treated?

A. No, sir; I never have.

Q. You have seen no boy who by his personal appearance appeared to have been harshly treated?

A. No, sir; I have never seen one.

Q. So far as you can judge,—and you have an opportunity of judging,—do you think the school as well disciplined and as well managed and as orderly as it formerly was?

A. I think it is, since the riot, sir. This has caused some disorder, and the newspapers sent among the boys are causing rather more disorder than usual. It is giving the boys a little advantage.

Q. But previous to the 12th of January, since the present superintendent has been there, you think the discipline and order of the school have been as good as they formerly were?

A. Yes, sir, equally as good.

Q. But do you think they are any better?

A. In some instances they have been.

Q. Well, since the 12th of January, since that riot occurred, has there been more disorder?

A. Rather more, sir.

Q. Well, in what way have you seen it manifested?

A. When the boys get into the yard they are more impudent, and are not so willing to be punished.

Q. Well, you said you thought that was occasioned by the publicity that was given to this investigation?

A. Yes, sir, I do.

Q. What makes you think it has anything to do with it?

A. Because of their behavior. They have got the paper, and read about it, and it gives them a little advantage.

Q. Do they have free access to newspapers?

A. No, sir; but they are brought in there by visitors, and the boys at the trust-houses will get them.

Q. Did you ever hear the boys refer to newspaper stories?

A. Yes, sir; frequently.

Q. In what way?

A. They seemed to have been informed right along, by some one, of almost everything that has been going on up here.

Q. Can you call to mind anything that any boy has said which would indicate they knew about it?

A. They said the officers did not dare to strap them or whip them, and they could do just as they had a mind to now. They could not be whipped.

Q. That makes them more unruly?

A. That makes them more unruly. A boy, yesterday, refused to do something in the yard. They brought him right into the dining-room, and he said, "I don't care, you can't whip me."

Q. The boy said so?

A. Yes, sir; he refused to be punished.

Q. Do you know that they punish boys with straps like these? [Showing the two straps on the table.]

A. I have heard so; but I have never seen them punished with them.

Q. Having been in the institution eight years, you have heard a good deal about it.

A. Yes, sir.

Q. Well, now, with your ideas about the management of the boys, do you think the use of straps like either of these, and flogging boys as you understand it is practised in the institution, do you think it is a good or a bad way to manage that class of boys?

A. Well, sir, I cannot really tell; it is such a class of boys as I have never been used to. I think they have to resort to different measures than you do with other boys.

Q. From your knowledge of the character of these boys, do you think it is necessary to use severe measures to maintain discipline?

A. I should think it would be with some of them; I should think they would be obliged to.

Q. Do you think a mild form of discipline would not produce the desired effect?

A. In some instances it would and in some it would not. I have been a mother, and of course I know.

Q. As regards their treatment, Mr. Shepard has been very kind to them?

A. I think so.

Q. Have you seen boys come out of the sweat-box frequently?

A. I have seen them sometimes; I cannot say frequently.

Q. Did you ever see a boy who had been in that sweat-box who appeared to suffer from the effects of it?

A. No, sir; I have had them come right into my dining-room and eat a hearty meal.

Q. Do you know of a boy absolutely suffering from his confinement in the sweat-box?

A. I have heard them say they ached, but would rather go into the sweat-box than be whipped.

Q. So far as you know anything about the sweat-box, do you think it is severe treatment for the boys?

- A. Not having seen the sweat-box, sir, I cannot say.
- Q. Well, I will not ask you about what you do not know. Have you known of boys being punished by putting cold water upon them?
- A. I have heard tell about it, but I never saw it.
- Q. Have you seen boys after they have been punished in that way?
- A. Yes, sir.
- Q. You knew they had?
- A. Yes, sir.
- Q. You have seen them afterwards?
- A. Yes, sir.
- Q. Did those boys appear to have suffered by the punishment?
- A. Not in the least, those that I saw.
- Q. Did they speak of it as if they had suffered severely?
- A. They did not say anything about it; they did not mention it.
- Q. Were you in the chapel at the time that the boys made the disturbance in the lodge underneath?
- A. I was at one time.
- Q. At the time when Goss, Turner, and Quinn were in the lodge, below?
- A. I do not exactly recollect who the boys were; but I remember one time being in there when they made a very great disturbance.
- Q. Sufficient to disturb the exercises?
- A. Yes, sir, very much.
- Q. Did you hear Col. Shepard, or any of the officers, say anything about it at that time?
- A. I believe I heard them speak of it.
- Q. At that time?
- A. No, sir; not until afterwards. I was in the chapel, I think.
- The CHAIRMAN. I have no further questions I wish to ask.
- Q. (By Mr. DAVIS.) I want to understand you. You said you could not hear the noise?
- A. I did hear the noise.
- Q. You were in the chapel?
- A. I was in the chapel at the time.
- Mr. DAVIS. That is all.
- Q. (By Mr. PRESCOTT.) When the boys are disobedient, to whom do you send them to be punished?
- A. To Mr. Shepard, or to the assistant superintendent.
- Q. Do you sometimes send them to Mr. Chase, the clerk?
- A. No, sir, never.
- Q. Have you ever known him to punish boys there?
- A. I have never known of his punishing there. I have never known about his punishments.
- Q. You have never seen any of his punishments?
- A. No, sir; never since I have been there.
- Q. Have you ever heard any of the outcries or screams?
- A. I have heard noises, but I could not say whether it was from that or not; they make a good many noises around in the yard.

Q. You think the punishments are not so severe under the present administration as under Mr. Evans ?

A. I think they were about the same.

Q. Did they have any sweat-box then ?

A. No, sir, they did not; that has been recently put in. He had the strait-jacket about a year and a half before he left.

Q. What is done to manage these boys, if they are more disorderly during this investigation ?

A. I do not know ; they do the best they can. They take the one out who is most uneasy and punish him, put him in the dormitory or lodge. That will sometimes quell the rest.

Q. I understand you have never seen this sweat-box, but you do not think it would be much of a punishment, at any rate ?

A. I do not know anything about it.

Q. Do you know where it is ?

A. They say it is somewhere over the office ; I do not know where it is ; I could not go and find it.

Q. What do you think the boys dread the most, the strap punishment or the sweat-box ?

A. They dread a whipping the most ; they do not like to be whipped ; it mortifies them to whip them, I think, as much as it hurts them. One boy told me the other day he would rather go into the sweat-box than be whipped.

Q. You do not know that some 20 or 30 boys have testified ?

The CHAIRMAN. It does not make any difference whether she does or not. You should not ask any such question. It is not a fair way to put a question.

Mr. PRESCOTT. I wanted to know if she knew that the boys had testified that they preferred the strap.

The CHAIRMAN. What difference does it make, anyway.

Mr. PRESCOTT. The difference that their testimony seems to be so contradictory.

The CHAIRMAN. We will take that testimony. You ask her what she knows about their testimony. It is a very unfair way to put a question.

Mr. PRESCOTT. I have nothing further to ask.

Q. (By Mr. ALLEN.) During the first year you were there, was there any sweat-box in the institution ?

A. There was not.

Q. During the first year you were there, did they have the strait-jacket ?

A. No, sir.

Q. During the first year you were there, did they play cold water upon the boys as a punishment ?

A. No, sir.

Q. During the first year you were there, did they strap boys on the naked skin ?

A. That is more than I can tell you.

Q. So far as you know ?

A. I do not know whether they did or not.

Q. Did you hear of an instance during the first year you were there, in which they made the boys remove their trousers, and receive the punishment upon the naked skin?

A. I do not remember that I ever did.

Q. Do you think the use of these severe punishments have tended to make the school any better? Has it improved their *morale*?

A. I really do not know, sir; I suppose they had to use every method of punishment they have used to secure good behavior from the boys.

Q. Are not the boys respectful to you?

A. Yes, sir; generally.

Q. With two or three exceptions, have they not always treated you kindly and respectfully, as a boy should treat a lady?

A. They have, sir.

Q. During all your eight years there?

A. They have, sir; only in some instances they have been disrespectful.

Q. It is very seldom you report a boy for punishment, is it not?

A. Very seldom.

Q. So, personally, you have no difficulty with these boys?

A. I only have five of them.

Q. It is but very seldom you have any trouble with them?

A. Yes, sir.

Q. Do you not think, if these boys are so respectable and pleasant to you, that they would be to others, if they were treated as you treat them?

A. I do not have only these five under my charge. I generally have the best of the boys with me. We have to pick out the mildest boys and put in the dining-room, and, as a general thing, I do not have any of the worst boys.

Q. Now, do you think it is proper, from what you have seen of these boys, to take a boy from 18 to 20 years of age, strip him naked up to his waist, expose his person, and flog him with one of these straps on his bare person,—do you think it is proper or right?

A. I suppose there are some severe cases in which they are obliged to do so.

Q. Do you think it is a proper thing at all—can you conceive of a case—to strip a boy, from 17 to 20 years of age, naked up to the waist, expose him to that extent, and then punish him upon the bare skin with a heavy strap such as the Chairman of the Committee has shown you?

A. If I had dealings with the boys I could tell better.

Q. I mean, any boys under any circumstances?

A. I could not say.

Q. You stated you had children of your own?

A. Yes, sir.

Q. Can you conceive of any possible circumstances under which it would be right to punish one of your children, 19 or 20 years of age, in that manner?

A. I never had one disobedient enough to punish that way.

Q. Could you conceive of it, whatever they did?

A. I believe I should not use some of the largest straps that are used here,

Q. Would you have it used in that manner?

A. I do not know whether I should or not.

Q. Let me ask you whether or not, to your mind, it would be abhorrent to your idea of a Christian community to take a young man and strip him to the waist, and then apply these straps to his naked person, under any circumstances?

A. I suppose it is rather hard.

Q. Is it not abhorrent to every idea of propriety and right?

A. I suppose it is generally called so.

Q. (By Mr. TRAIN.) Take the boy Fitz-Gibbons, who assaulted you, should you consider that punishment any too severe for him?

A. I should think most any punishment would not be too severe for him.

Q. (By Mr. ALLEN.) I will take that very case. That was the very worst case I have heard of in the institution, where a large boy assaulted you, a lady, who had done nothing to him, but with the sole desire to get the keys from you. Now, do you think it would have been proper to take the boy Fitz-Gibbons, strip him to his waist, and apply this strap to his naked person, and punish him by that method. I do not mean with a great degree of severity; is it not abhorrent to your idea of propriety?

A. I think no punishment inflicted could have been too bad for him.

Q. I mean in the manner of the punishment, and not the degree. I agree with you the boy ought to be punished severely.

A. I have never meddled with their punishments. I am not supposed to know anything about it.

Q. No, I am asking you, as a lady that has been there, whether taking the very worst case—and Fitz-Gibbons is the worst—

WITNESS. Well, there are other boys fully as bad.

—whether you do not think that in any case it is an improper punishment to strip those boys to the waist and punish them on the naked flesh?

A. Perhaps it would degrade them.

Q. Is it not very degrading to them?

A. I suppose it is.

Q. (By the CHAIRMAN.) I will ask this question. Have you heard of a boy being strapped upon the naked person in the presence of other parties?

A. I do not know anything about it, sir.

Mr. ALLEN. In the presence of the teacher certainly and in the presence of each other, where there is more than one.

Q. (By the CHAIRMAN.) Do you think the mere fact of the boy's having his clothes removed in the presence of the person who punishes him is very degrading to the boy?

A. I do not think these boys mind it at all, sir.

Mr. ALLEN. I do not suppose any one of us differ as to the severity of the punishment. I do not disagree with the Committee as to the severity, but as to the manner of the punishment.

WITNESS. I think a proper degree of modesty ought to be maintained everywhere.

Q. (By Mr. LOWE.) You have mentioned in your remarks that the

boys after being punished showed improvement; is that improvement permanent?

A. Well, they are better afterwards for some time.

Q. It is simply temporary?

A. Only for a little while.

Q. (By Mr. PRESCOTT.) What became of this boy Fitz-Gibbons?

A. He ran away.

Q. From where?

A. From the institution. He served out his time at Worcester.

Q. That is what I want to get at. What was done with the boy after the assault made upon you?

A. He was sent to the house of correction at Worcester for six months.

Q. Do you know why that boy was punished?

A. Why he was punished?

Q. Yes.

A. For this assault, I suppose.

Q. Well, had he not committed an assault for which he was sentenced to the house of correction?

A. Yes, sir.

Q. Would not that have been sufficient punishment for him?

A. Well, they did not intend to send him there at first, but they found out he was very much worse before they sent him.

Q. Do you mean to say that he intended to keep such a boy as that in the institution when he could have sent him to the house of correction?

A. Well, he did not think he was so bad; he did not think he had plotted so deep. They intended to give me ether, and they confessed several other things. He knew they had made an assault upon me, but when he punished him he did not know how bad he was.

Q. When he punished him, what did he punish him for?

A. For assaulting me.

Q. That assault was sufficient to send him to the house of correction?

A. Yes, sir.

Q. Well, should you not have supposed it would have been better to have him separated from the Reform School and sent to the house of correction?

A. He was.

Q. You say there was some hesitation about sending him?

A. There was in the first place.

Q. Do you not think that the punishment inflicted upon the boy was entirely unnecessary, if he had committed an offence for which he could be sent to the house of correction?

A. Well, I do not suppose he had any idea of sending him there at first.

Q. (By Mr. TRAIN.) You do not know anything about this except from your own imagination?

A. That is all.

Mr. GILBERT. You can get all this from Col. Shepard; she does not know anything about it.

Q. (By Mr. DAVIS.) Don't you think that the boys at the Reform School are really a very unfortunate class of boys?

A. I do, sir.

Q. And bad boys?

A. I do.

Q. Now, do you think they were born bad boys, and they started to grow up bad boys?

A. I think there are some exceptions, sir. If they had been started right, they would have made good, smart, intelligent men.

Q. Don't you think a majority of these boys, if they had had such care as you gave your children, would have escaped this terrible experience?

A. Probably some of them might; but, according to their countenances, they would not. I think there are some of them here born wicked, and will remain so forever, in spite of all that can be done for them.

Q. Now, I will ask just one more question. Don't you think your own boys, if they had been subjected to such influences and such treatment, and exposed to such temptation, even your own boys, would have been candidates for the very same place?

A. Certainly, or any other boys.

Q. Well, really, it is unfortunate that they are brought there?

A. Yes, sir; I think there are many boys there very intelligent and smart, and would have been smart men if they had been started right.

Q. (By Mr. HYDE.) Now, in regard to the food and clothing, is it good?

A. It is now, and has been ever since I have been there.

Q. Have you noticed any difference between what it was previously and what it is now?

A. There is more of it, and a greater variety.

Q. Do you know that Colonel Shepard has supplied these things?

A. Yes, sir; he has paid money right out of his own pocket for two suppers, supplying them with oysters.

Q. You say the punishments were not quite so severe when you first went there. Do you remember when the school-ship boys went there?

A. Yes, sir.

Q. What year was it?

A. I have forgotten the exact year. I think it was the second or third year.

Q. The boys were worse after the school-ship boys went there?

A. Yes, sir; you could see the difference in a very short time.

Q. In your opinion, they would require different punishment?

A. Yes, sir.

Q. That was about the time the sweat-box was introduced?

A. Yes, sir.

Q. Do you remember the boys running away from there?

A. Yes, sir; they have always been uneasy ever since I have been there.

Q. Do you remember the number that ran away at one time?

A. Yes; there were about 90 at one time.

Q. Did the boys from the school ship go?

A. Yes, sir.

Q. Did these 90 boys include any of these boys from the school ship?

A. Yes, sir; many of them.

Q. Did they try to secure ether to stifle you?

A. I could smell it in the room, but they did not have enough; they had got it, but they did not get enough of it.

Q. Did they cover your eyes?

A. No; they sat on my head and held it down, with a towel in my mouth.

Q. Did they tear any of your clothes?

A. Yes, sir.

Q. Did they tear your dress?

A. Yes, sir; and my face also.

Q. Did you ever report any one to the superintendent?

A. Yes, sir; for disobedience.

Q. Do you remember the name?

A. I reported Jones; the one who knocked me down.

Q. What did the superintendent say to you?

A. I was willing to take him back.

Q. Did the superintendent try to have you take him back?

A. Yes, sir; and I did, but he was very saucy and impudent.

Q. What did he do after you took him back?

A. He behaved very well for a little while.

Q. Did he commit any assault?

A. Not until that time. I had previously been very kind to him; I did not think of any such thing at the time.

Q. Have you ever made any presents to any of these boys?

A. Yes, sir; every year at Christmas time.

Q. How long before the assault had you made presents?

A. I had previously been very kind to Jones, because he had been a very bad boy.

Q. How long before this assault? Can you give the number of weeks?

A. Within three or four weeks.

JOHN T. PERKINS—*Sworn.*

Q. (By the CHAIRMAN.) How long have you been at the State Reform School?

A. Five years.

Q. What is your position there?

A. I have charge of the meat department and stable.

Q. Outside of the buildings?

A. Yes, sir.

Q. How many boys do you have to help you?

A. Well, from two to four; usually two.

Q. These boys which are under you are considered to be of the better class of boys?

A. Yes, sir; they are trust boys,—those that we can trust outside without being under the eye of an officer.

Q. Mr. Evans was superintendent when you went there ?

A. Yes, sir.

Q. How long were you there while Mr. Evans was there ?

A. About a year.

Q. The age and character of the boys has been the same since you have been there, has it ?

A. Well, I think we have older boys now, since they have abolished the school ship.

Q. The school ship was abolished before you went there ?

A. I think not. About the time I came up there,—a few months afterward. The school-ship boys came up there after I came there.

Q. Have you anything to do with the punishment of boys yourself ?

A. No, sir ; I have nothing to do with the discipline.

Q. Have you ever seen boys punished by the other officers ?

A. Yes, sir.

Q. Frequently ?

A. No, sir.

Q. Any cases of late ?

A. No, sir ; I never saw but two or three boys punished.

Q. You have seen boys after they were punished,—boys that you knew had been punished ?

A. No, sir. A boy might be punished, and I should not know the boy if I saw him afterwards.

Q. Then you really do not know anything about the punishment of boys there, either by having seen them punished, or by having seen them after they were punished ?

A. No, sir ; I know comparatively nothing about it.

Q. Have boys ever complained to you of their treatment in the institution, whether it was kind or severe ?

A. Well, as far as I know, it is kind.

Q. Of your own knowledge, do you know of any cases of severe treatment of boys in the institution ?

A. No, sir ; I have not seen any such cases.

Q. Boys have made no complaint to you ?

A. No, sir.

Q. Have you ever seen a boy flogged ?

A. No, sir.

Q. Have you ever seen a boy put in the box called the sweat-box ?

A. No, sir.

Q. Have you ever seen a boy punished by putting water on him as a punishment ; I do not refer to the riot, but I mean as a punishment for an offence committed ?

A. Yes, sir ; I saw one or two boys that were being punished in that way. I was just passing by for a moment, and saw the water being applied to one or two boys.

Q. Where were the boys ?

A. They were in the lodge.

Q. How was the water applied to them ?

A. Through the hose.

- Q. Large nozzle or small ?
- A. I could not say how large.
- Q. Was it a garden hose ? How large-sized ?
- A. It was an engine hose, I think.
- Q. Did you see the boys after they had been punished ?
- A. No, sir ; I did not see the boys.
- Q. After they were punished ?
- A. I think not.
- Q. From what you know of the boys in the institution, are they hard to manage, or can they be easily managed ?
- A. Well, I should think that some of them were quite hard to manage.
- Q. Have you ever seen any instance of insubordination among the boys ?
- A. Well, I saw something of the riot.
- Q. But at other times, have you seen any indications of insubordination ?
- A. Very seldom.
- Q. Have any of the boys escaped from the institution since you have been there, that you know of ?
- A. Yes, sir ; boys have escaped. I could not call their names.
- Q. Have any boys ever escaped while you had anything to do with them ?
- A. Yes, sir ; the boys I have had charge of have run away.
- Q. While in your charge ?
- A. Yes, sir.
- Q. And you also state that the boys under your charge were among the better boys ; they were trust boys ?
- A. Yes, sir ; we call them trust boys.
- Q. Well, now, will you state any case of a boy escaping while under your charge ?
- A. Yes, sir ; a boy by the name of Waters ran away.
- Q. Well, how did he get away, if he was under your charge ?
- A. Well, I do not have my eyes on them all the time. We send them away with a team to different parts of the institution, and outside, on their regular work.
- Q. While on that service, he got away, did he ?
- A. This time I left them at the stable, and went to other parts of the institution about by duties. They hitch up teams and have general care of the stable. At that time one of them ran away.
- Q. Were you ever assaulted by a boy there ?
- A. Yes, sir.
- Q. Well, what were the circumstances ?
- A. Among my other duties I take the clothes from the laundry after they are washed, and hang them out to dry, or see that it is done ; my boys do it. This time I led my boys into the laundry, through the outside door, to take out the clothes. They carried these clothes out, and I stood in the doorway. The door was swung open, and I stood in the doorway ; and one of the laundry boys came behind and hit me over the head with a club.

Q. Was he one of the trust boys?

A. No, sir; he was in the laundry; he was inside.

Q. Was he one of the trust boys you had under your charge?

A. No, sir; he was a laundry boy.

Q. He struck you with a club?

A. Yes, sir.

Q. Was it a severe blow.

A. I think it was; I consider it so.

Q. Did the boy escape from the institution?

A. Not from the institution. He got outside of the doors, but was caught near the stable.

Q. What was the object in knocking you down, or striking you with a club?

A. Well, he said it was to escape from the institution.

Q. Had you had any trouble with that boy?

A. No, sir; I had nothing to do with him.

The CHAIRMAN. I have no further questions.

Q. (By Mr. DAVIS.) That was a boy named Williams. Did you ever have any of the ship boys under your charge outside?

A. I am not sure about that. I had, at one time, a boy by the name of Regan, and I had the impression that he was a ship boy. I am not sure about that.

Q. Was there a boy named Nevins?

A. Yes, sir; there was.

Q. Was he a ship boy?

A. I think he was.

Q. Was he a good boy?

A. Yes, sir; he did well for me.

Q. He did as well as anybody?

A. Yes, sir; I don't know but he did, part of the time. He was a singular boy; he would have sullen spells sometimes, when he would not do as well.

Q. You had no occasion to reprimand him any more than you had any boy?

A. Just the same that I had with a good many boys.

Q. What kind of a boy was the one who ran away from you?

A. He was about the average of the boys outside. He was the most disagreeable boy I had.

Q. How long did you have him under your care?

A. Several months.

Q. How old was he?

A. I think he must have been 16 or 17.

Q. He did not behave so badly that you made application to be relieved of him?

A. I never turned him inside; no, sir.

Q. (By Mr. PRESCOTT.) I understand you have punished no boys?

A. I never punished a boy; no, sir.

Q. You saw some boys being punished by having water played on them?

A. I passed by for a moment.

Q. How many were being punished in that way then?

A. I think there were two.

Q. When was this?

A. I cannot give the date.

Q. About when was it; after the riot?

A. There was no disturbance in the chapel, I think. I do not know.

Q. What day of the week was it?

A. Sunday, I think.

Q. Do you know how long ago this was?

A. I could not say.

Q. Well, according to your best recollection?

A. Well, for a rough guess, I should say three months; possibly not more than two, and it might be four.

Q. Well, this hose that was being used; was it the large hose or the small one?

A. The engine-hose.

Q. Was the steam-pump applied?

A. Yes, sir.

Q. Pretty good head of water?

A. I do not know how that was.

Mr. PRESCOTT. That is all.

Q. (By Mr. DAVIS.) I want to follow, if you please, this boy Nevins. What became of him? Do you know?

A. I think he went home, or with some of his friends. He went home, I think.

Q. He was allowed to leave the institution?

A. Yes, sir.

Q. On probation, as other boys do?

A. Yes, sir.

Q. He would not have been considered a very bad boy if he had been allowed that privilege, would he?

A. No, sir; he was not considered a very bad boy; he was not a very bad boy.

Mr. TRAIN. There was some good material, probably, that came from the school ship.

Mr. DAVIS. I really wanted to get at the fact about it.

Q. (By Mr. HYDE.) Did you ever have any difficulty with this boy who knocked you down?

A. No, sir.

Q. You knew nothing about him?

A. No, sir; I never knew him.

Q. When he knocked you down, his only desire was to escape?

A. That was his only desire, as he said to me.

Q. He supposed you were going to resist him?

A. I should have resisted him if I had seen him; I did not see him.

Q. He approached you from behind, and struck you?

A. Yes, sir.

Q. How hard did he hit you?

A. Well, I did not know what town I was in for a few minutes.

Q. He knocked you senseless, did he?

A. I guess so.

Q. (By Mr. PRESCOTT.) How old a boy was this boy?

A. I think perhaps 16 or 17.

Q. What was done with him?

A. He went before the grand jury, and was sentenced to the house of correction.

Q. Did he return to the institution afterwards, do you know?

A. No, sir.

Q. What sentence did he get?

A. Two years, I think.

Q. You do not know, of your own knowledge, whether he would have been of age at the expiration of his sentence, or not?

A. I do not.

Q. Was he punished before he was sent to the house of correction?

A. Not to my knowledge.

Q. Do you know many of the boys in the main building?

A. I could not call many of them by name.

Q. Do you know one boy in the main building that came from the school ship?

A. No, sir; I do not. I cannot recollect any boy; still, there may be several there.

Q. (By Mr. HYDE.) Were you there when the 98 boys ran away?

A. I was.

Q. Who had charge?

A. Mr. Evans.

Q. There might be several of these school ship boys there now, as far as you know?

A. Yes, sir.

The CHAIRMAN. You are excused.

E. B. BIGELOW—*Sworn.*

Q. (By the CHAIRMAN.) How long have you been at the Reform School, Mr. Bigelow?

A. I went there a year ago the 4th of February. One year ago the 4th of February I commenced duty there.

Q. That is the time you have been there?

A. That is the time, the last time.

Q. You were there previously?

A. Yes, sir.

Q. When was that?

A. I went there in February, 1868.

Q. How long did you remain then?

A. Until March, 1866.

Q. About three years?

A. A little over three years.

Q. What is your present position in the institution?

A. I am teacher there. I went there for an overseer, and I have been waiting for the completion of the new building.

Q. You are now a teacher ?

A. Yes, sir.

Q. Have you been a teacher since you have been there ?

A. Most of the time since I have been there.

Q. Have you had any experience with boys at any other place than at the Westborough Reform School ?

A. Yes, sir ; in Rhode Island, overseer in the chair-shop. It has been my business for the last fourteen years.

Q. Then, I will ask you first, in regard to the discipline of the different schools you have been in, whether you consider that at Westborough to be more severe than that in Rhode Island ?

A. Well, I have a different class of boys than what I had in Rhode Island.

Q. Are they older ?

A. They are older, and seem to be a harder class. A great many of those boys came from the country ; we had some hard boys there, but only a few of them.

Q. Who was the superintendent at Westborough when you were there, from 1863 to 1866 ?

A. Joseph A. Allen.

Q. Were the boys at that time younger than at present ?

A. They were.

Q. Were they a harder class to manage than they are now ?

A. They were, in some respects ; they were smaller.

Q. On the 12th of January, at the time of the outbreak, you were in the supper-room at the time it commenced ?

A. Yes, sir.

Q. Will you state, now, what occurred at that particular time, and your participation in it ?

A. We went in to supper, and the boys were all quiet during the supper hour. When Mr. Wheatley gave the word "attention" for the boys to pass out, I was the first officer that started to go out ; it was my business to go out and receive them in the yard. I turned my back on the boys and was getting my coat, when a bowl passed me. Whether it hit me I do not know ; I never knew whether it hit me or not. I turned round and saw the boy Collins take a bowl and throw it at me ; he threw four or five, and one of them struck me. I saw it coming at my face, and just dodged it, and it took me on the arm. I passed right on toward my coat (the coat was lying on a table something like this), and the Collins boy was down that side. I got around and saw two or three others beginning to throw bowls ; they began to throw them at other officers. There were about 190 boys this side of me, and there were no bowls coming from that side of the house. They were going for the other officers. The boys started to run out into the boys' kitchen ; I did not know what they were going to do there, and I walked out there and found the boys were all right there. I then turned and went into the dining-room. Just as I stepped in, I saw Mr. Davis put his hand to his head, and saw

that he was hit; and he took a pistol and shot it up into the ceiling, and the boys seemed to quiet down. I do not know of any more disturbance then. The boys commenced going out of the dining-room; they all passed out quietly and went into the yard. When we got the boys into the yard— I suppose you want me to go right on and tell what I know about it.

The CHAIRMAN. Tell what you know about it.

WITNESS. When we got into the yard, the officers called the line for the school, as they usually do; they usually pass into the wash-room, but they did not that night. We got them in there, and some of the boys seemed to have a disposition not to get into line, but they did finally, and they passed in. I went into my school-room, and the other teachers went into theirs. At a quarter of six, I think it was, we were relieved by the overseers for half an hour; then we went to supper. We had just got through supper when some one said, "All the officers to the first school-room." We all went there. I went up with Colonel Shepard, I think. He opened the door into the school-room, and we met quite a number of boys when we were going up. We could not see who they were, because it was dark. We expected Mr. Armitage was in there, and I thought perhaps he was dead. We looked in, and at just that time the last jet of gas was shut off so that we could not see anything, and the slates and books and everything else were flying about.

We had no chance to touch them, and we had to shut the door and pass out. I went down to my school-room, and asked the boys there if they would all keep quiet, and they said they would. I told them I had got business to attend to, and I went back again. Then I was told that about that time the lower departments were passing to bed, into their hall. We put those boys to bed, and my school went with them. Then, after that, I was detailed to go out and watch the building, as some of the officers said that some of the boys had worked through. Col. Shepard requested me to go out and go round the building, and keep the boys from getting away, and I passed out into the yard. At that time, the settees and everything they could get hold of,—flower-pots and plants, and so forth,—were coming out into the yard. Then I passed on about my duty that I was detailed to do, and that is all I know about it.

Q. (By the CHAIRMAN.) What did you understand was the particular cause of the outbreak at the time? I mean, when you were in the supper-room.

A. A desire to escape from the institution.

Q. Well, was it very sudden? Was it all at once?

A. No, sir; we had been expecting it a whole year; or I may say, for years we have been looking out for something of the kind. There had been something of the kind since I was there. They had assaulted Mrs. Moore, and had got some hard boys to assault Mr. Rice.

Q. Had you had any trouble with any of the boys previous to this outbreak?

A. One night I noticed a lot of boys together, and I took the names of a number of them. I did not know all of them, but I took the names as far as I could; and I read the names to Mr. Armitage and one or two

officers. I told them that we had got to look out for these boys; I told them some of the boys' names. The next morning it was my business to pass the boys into the wash-room, both lines, from the upper and lower departments, and see them as they passed into the water-closet. As I was looking at the boys, a boy passed through the line, which was against the rule, and I requested him to get back, or go back to the end of the line. He passed back, and I was looking again at the boys passing out when a boy came right through the line. I put out my hand and told the boy to pass back. He did not pass back, and I just brought my hand up that way [striking with the back of his hand]. I saw he resisted, and I looked around and saw it was this boy by the name of Edwin Collins. He was a hard boy, and I knew what he was. On a previous occasion he had used very indecent language to an officer, and had refused to mind him. He turned partly around, and I took hold with my hand under his jacket, and told him to pass back. He refused to do it, and I pulled on him; he put up his hands, and I gave him a twitch and a shove which were neither a blow nor a push: it could not properly be called a blow, because, if I had struck him, I should have done differently. I hit him with this hand, and twitched him round in this way, and he went through. I went right out after I was relieved; perhaps it was four or five minutes before Mr. Wheatley came in and took my place. I went out into the yard, and called Collins to one side, and told him I believed it was the first time I had had any trouble with him since I had been in the institution. I talked with him about it, and about his conduct, and told him if ever he did anything of the kind again I should have to punish him. I talked with him and left him, and I supposed he was all right. That was all I did with him.

Q. Did you think, at that time, that he was angry?

A. No, sir; not more than might be expected. He did not appear to be when I left him; he appeared to be all right.

Q. Were you angry?

A. No; I had no time to be angry. I merely requested him to pass back, and he did not go; and it was my business not to let a boy do as he had a mind to, and as long as I had got hold of him I wanted him to go. It probably did not take more than three or four seconds, or not more than half a minute.

Q. Is that the only time that you had pushed or struck the boy Collins?

A. Yes, sir; I never had anything to do with him; I never had had occasion to punish him. I always spoke to him very pleasantly when I saw him, because he looked like a boy that was there before. I always spoke to him very pleasantly when I saw him to speak to him.

Q. Now, I want to ask you about the trouble officer Wheatley had with the boy Watson. You know the case that I refer to?

A. Yes, sir.

Q. Will you state all that you know about that affair?

A. I knew at the time that the officers were called together by the superintendent to talk about the boys, and they were requested to keep some of the boys from other boys, if they could, because their influence was bad.

Q. Mr. Wheatley, I think, was requested to keep this boy Collins—

A. Watson, you mean.

Q. Watson from another boy?

A. Yes, sir. I do not recollect his name now.

Q. McFeeley?

A. McFeeley. He was requested to keep these boys apart. He thought these boys were up to some mischief, as they were bound not to keep apart. I do not remember just who it was, but I think one boy, after they refused to be separated, was put in the braces.

Q. Where?

A. In the braces in the gymnasium. Watson was put up there for a punishment, perhaps, because he was bound to go with McFeeley. I think Watson was put up there, but I am not certain; I think it was he. Mr. Wheatley spoke to him before he went in to dinner; I think it was to dinner. I had seen Watson looking at Mr. Wheatley, and he said, "You damned son of a bitch." He whispered it, but I heard it. When he went out he went right to McFeeley, and I went to Mr. Wheatley and told him I thought Watson meant mischief, and that he was a dangerous boy. Mr. Wheatley thought he would take him in and put him into the lodge, and he called him in from the west hall door, but he refused to come in. Mr. Wheatley then wanted to know what I thought it was best to do. I told him I didn't know; that he would have to take him some way or other, and that he would have to take him from the chair-shop or out of the line. He wanted to know where he could take him and search him, because he thought from his movements perhaps he had got something. Mr. Wheatley took him to the office, and he had his hand in his right hand pocket. Mr. Wheatley wanted to know if I would let him come into my room, and I told him yes. He wished me to be near by. There was a door which led right into another room, out of my room and I went in there.

Watson stood so that I saw just about half of him from the key-hole in the door of the other room. He had his hand in his pocket, and Mr. Wheatley asked him quite a number of times to take his hand out of his pocket, for he wanted to see what he had. He refused to do it for some time. Finally, he told him he would show him what he had, and he drew out his hand and went at Mr. Wheatley. He went out of my sight, and I heard Mr. Wheatley say, "Don't you strike me." He repeated it a number of times. I heard a scuffle, and entered the room. I thought this boy had a knife, for he kept his hand going, and a blade was shining, and I could not tell exactly what it was. Mr. Wheatley was strapping him across the face, and told him to keep back, but the boy went for him, and drove him clear up to the wall. I went right up and was going to take hold of him then, but I saw it was not best, because I thought he would, stab him. I stepped right back, and went right up as quick as I could. I had to do it very quickly, because I expected Mr. Wheatley would be killed, and struck him with the round of a chair,—the first lower round of a chair,—right over the head, and knocked the awl out of his hand. That is all I had to do with him.

He had fallen onto the floor, and was right between Mr. Wheatley's

legs; he made a spring and went for the door. Mr. Wheatley grabbed him by the collar, but the boy went right up against the door and brought the back of Mr. Wheatley's hand against the door, and broke his hold; and he went into the chair-shop. Mr. Wheatley wanted to know if he should go right in after him. I told him no, I did not think it would be best. Immediately after, five or six boys—I don't remember how many—came out of the chair-shop armed with knives and awls, and went out into the yard. There were a number of officers there then; perhaps four or five. We went down into the yard, and this Watson went at Mr. Wheatley again with his awl, and struck at him two or three times. I went down to a boy by the name of Nelson, who had two awls in his hands and a broom. I went up to him and requested him to give up his weapons, and he said he would not do it, and used some very insolent words; but after a while we got the weapons away from the boys by talking with them. Watson went in with Mr. Wheatley, and that is all I know about that. I took one of the boys that was there, and took him to the office.

Q. (By the CHAIRMAN.) That was the end of that affair, so far as you know anything about it?

A. That was the end of it, so far as I know anything of it that day.

Q. Are you positive that the boy Watson was not struck by Mr. Wheatley before he made the assault upon him?

A. I do not think he was. I was looking through the key-hole, and I could see Mr. Wheatley and hear what he said to him. He told him he was going to find out what he had in his hand, and the first thing I knew the boy's hand was out of sight and I heard Mr. Wheatley say, "Don't you strike me." I did not hear any blows.

Col. SHEPARD. Mr. Chairman, will you excuse me, in the absence of Mr. Hyde? I wish to say that the Rev. Father Egan has come here and wishes to testify. He also wishes to return on the half-past one train. I will esteem it a great favor if you will excuse Mr. Bigelow and let Father Egan testify.

The CHAIRMAN. I will leave it to the Committee.

Q. (By the CHAIRMAN.) I will only ask one single question. Are you positive that the boy Watson had that awl in his hand before he broke away from Mr. Wheatley?

A. Yes, sir. I knocked it out of his hand when I struck him; it went down onto the floor. I supposed it was a knife, but I could not tell.

Q. Statements have been made that the boy Watson obtained that awl after he broke away from Mr. Wheatley, by some boys.

A. No, sir; that was not so.

Q. You are positive?

A. I know what I am talking about.

The CHAIRMAN. For the present then you will be excused.

Rev. Father PATRICK EGAN—*Sworn*.

Q. (By the CHAIRMAN.) You reside in Westborough?

A. Yes, sir.

Q. Do you visit the Reform School frequently?

A. Very frequently, that is, comparatively so; on an average twice a month.

Q. How long have you lived in Westborough?

A. Three years and five months.

Q. Since you have been in Westborough, have you been in the habit of visiting the institution as frequently as you have stated?

A. Not for the first half-year, but since that time.

Q. What have you visited the institution for?

A. Well, sir, I visited for the purpose of attending to sick calls and also to preach there for the boys occasionally; and very frequently when persons visit at my house I bring them over to see the institution.

Q. Who invited you to make your visits to this institution?

A. Do you mean in the capacity of clergyman?

Q. Who invited you to visit the sick and to preach?

A. If my recollection serves me right, it was Dr. Harvey who called me there first, to attend a sick Catholic boy.

Q. Well, on visiting the institution, have you seen the boys as you chose, and mingled with them?

A. Yes, sir. There was an officer, of course, who attended me to open the wards and different doors; but when I got into the school, I was at liberty to talk privately with any boys. There was no restriction placed upon me.

Q. Then, you have seen a good deal of the boys for the last two or three years?

A. I have, sir.

Q. And you know about them?

A. I think I do, sir.

Q. And know about the institution?

A. Yes, sir.

Q. Would the boys be likely to make complaints to you, if they had any complaints to make?

A. I think it would be exceedingly probable that Catholic boys would regard me in that light, as the person to whom they had a right to appeal.

Q. From your knowledge of the institution, and familiarity with the boys, do you judge that the boys are harshly or kindly treated in that institution?

A. My judgment is that they are very kindly treated.

Q. Have boys ever complained to you that they were harshly or unkindly treated in that institution?

A. They never used either of those words, I think. One boy said to me that the discipline was very severe; but, if I recollect rightly, it was on the very same occasion that another boy said, speaking of Col. Shepard, "He is a very strict disciplinarian, but he is just, and does not punish a boy when he behaves."

Q. What do you judge to be the character of the boys in that institution, as to the difficulty of managing them?

A. Well, sir, as far as my experience goes among the Catholic boys, and I am speaking of those principally, with the exception of three or four, I have found they had never experienced any home nor church

influences; I mean, without any knowledge of the Christian doctrine; and I did not find but two or three who seemed to have attended Sunday school at all.

Q. Do you judge they would be boys difficult to control, or that they could be easily managed?

A. I should judge they were very difficult to control, from the character and record of some of them, previous to their entering the institution.

Q. Well, from their appearance and behavior, should you judge they were boys of a bad character, and difficult to manage?

A. I had nothing to go upon to form any such judgment.

Q. You saw them, and you could judge whether they were boys easily managed or boys who would require severe treatment?

A. When I saw them, publicly, in the hall, as well as when I addressed them, there were always three or four officers near by, and, of course, they were under discipline. I have not seen them at all except when they were under observation; so that, really, I had no opportunity of watching them away from the officers.

Q. You said that with three or four exceptions they were boys without home or church influences?

A. Yes, sir.

Q. Well, naturally, then, their character would be bad?

A. I would expect that, sir, or at least I would correct myself and say, that from their character they would be very difficult to manage.

Q. Have you ever been present when boys have been disciplined or punished in the institution?

A. I have, on three or four occasions, seen boys in the solitary cells.

Q. Have you conversed with them while they were in these solitary cells?

A. Yes, sir.

Q. Have you conversed with them in reference to their offences and their punishment, too?

A. Yes, sir.

Q. Was it your judgment they were punished too severely for the offences they had committed?

A. There was really, except the confinement, no punishment that I ever witnessed. The little cell was well ventilated; there was a little truck-bed to lie down upon the grates were open, and you could speak through them.

Q. Did any boy, at any time, tell you that he thought he had been too severely flogged?

A. Never, sir.

Q. Did any boy complain of being placed in what is called the sweat-box?

A. I have heard of the sweat-box through this investigation for the first time.

Q. You have never heard it mentioned by the boys?

A. Never, sir.

Q. Did a boy ever complain to you of being too severely punished by confinement in the lodge?

A. There was one boy spoke to me Sunday afternoon, I think it was, that I was there; he was only in for a few hours, I think, but he was a very nervous boy, and was crying. I believe it was a mistake, his being kept there so long. One of the boys told me so. He seemed to be a very nervous boy, and he was standing up to the door, crying.

Q. Has any boy, at any time, ever complained to you that he was too severely punished by putting cold water upon him?

A. No, sir.

Q. I think you just stated that you never heard of this sweat-box until this investigation came up?

A. Never, sir; except in the newspapers.

Q. Have you ever been present at entertainments in that school, such as are given there?

A. Yes, sir; at nearly all of them; I have only missed one or two. I have been invited to all of them.

Q. What is the nature of these exhibitions or entertainments?

A. They are of a pleasant, social character. There is some recitation by the boys, and in one or two cases I have been present when they have made some little orations or remarks. There was a lady from Boston,—Miss Foss,—who seemed to take a great interest in them. I was called upon to address them. There were some little theatricals, and in the recess the boys were regaled with oranges, candies, and other little things given them by the officers. Altogether, I would as lief spend Christmas eve at the Reform School as at any place I could go to. I think the boys are exceedingly well treated.

Q. From the appearance of the boys, as you have mingled among them, should you judge they were contented or discontented in the institution?

A. I should not think I saw any signs of discontent more than I would in any ordinary school. I think there is a general tendency among the young boys to rebel.

Q. Do they have generally a sullen appearance, or otherwise?

A. I think the prevailing appearance, so far as it strikes me, is a pleasant one.

Q. So they do not appear like boys who had been harshly treated?

A. Certainly not.

Q. Or abused?

A. Certainly not.

Q. From your sources of information, which seem to be very considerable, do you think the boys are too severely disciplined in that institution?

A. I should have to have it very sufficiently proved before I would believe it, sir.

Q. I believe I have asked you, have I not, whether any boys have ever complained to you of being punished in that institution?

A. No, sir; not of any severe punishment, they did not.

Q. They never have?

A. No, sir.

Q. Should you think it would require, for that class of boys, pretty strict discipline to keep order there? •

A. I should expect it would, sir.

Q. You do not think it has been too severe to maintain order?

A. I honestly think it has not, sir. That has been my opinion, and I could not be driven from that opinion unless by very strong evidence.

Q. And you have not that evidence?

A. Not that I did not read in the papers.

Q. You have not that evidence from any other source?

A. No, sir.

Q. (By Mr. PRESCOTT.) Have you made any particular inquiries in regard to the different modes of punishment in that institution?

A. No, sir.

Q. You have never made inquiries?

A. I never made any strict inquiries, but I frequently ask the boys in a general way how they were treated; I never had any special curiosity in the matter.

Q. I understood you to say you had never heard of or seen the sweat-box until this investigation?

A. No, sir.

Q. Have you seen it since the investigation?

A. Yes, sir; in the papers.

Q. Have you been up to see the box?

A. No, sir; I have been confined to my room for two months with rheumatic fever.

Q. Did you ever see any straps like these upon the persons of the officers while you were there?

A. No, sir. I must qualify that remark; probably on the night of the outbreak I saw the officers with the straps in their hands, but except on that occasion, I never did.

Q. During your visits to the institution, you saw nothing of these weapons of punishment?

A. No, sir.

Q. Do you think, with your experience, that the punishment of boys from 17 to 20 years of age, upon the bare flesh, with weapons of this kind, is a judicious method of punishment?

A. I should consider it ought to be the last resort.

Q. What do you think of the corporal punishment of boys upon the bare flesh, from their knees upwards, with weapons of this nature?

A. Well, really, I am not prepared to give an opinion upon that question. I naturally myself refrain from corporal punishment, but I think in large institutions of that kind it is very hard to govern them properly without corporal punishment; but where to stop the corporal punishment is quite a difficult thing to determine.

Q. Do you not think the corporal punishment of boys of that age, especially in that manner, has the effect to brutalize them, and to inflame their passions?

A. Yes, sir; I should think it would.

Q. Would it not be very natural for a boy of that age to resist punishments of that nature? •

A. Yes; he would resist them, if he thought there was any hope of resisting successfully.

Q. Should you not think it ought to be resorted to very rarely, indeed?

A. Very rarely, sir.

Q. Have you ever heard of boys being punished in the institution by having water played upon them through the hose?

A. Not except on the night of the disturbance.

Q. What is your opinion in regard to that method of punishment, not as a punishment to quell a riot or disturbance; what is your opinion in regard to punishment by pouring water from the hose upon boys in their cells in the lodge?

A. If it were continued for any length of time, it would be severe, from what I have read about it.

Q. What do you think would be the effect? Should you, if you had charge of the institution, be willing to resort to that method of punishment of boys confined in the lodge, the boys not rioting or making a disturbance at the time,—should you be willing to resort to that mode of punishment?

A. I think not, sir. You suppose that the boys are not rioters at the time?

Q. I made the supposition they were not rioters at that time. Do you think that the confinement of boys in the lodge for five or six weeks in succession, without allowing the boys to have their clothes, is a judicious method of punishment?

A. Am I to understand they were nude?

Q. No, sir; with their shirts on.

Dr. HARVEY. And blankets.

Mr. PRESCOTT. They are put in the lodge with their bed-clothes and shirts upon them, just as they sleep at night.

Mr. TRAIN. You mean their pants and jacket are taken away, that is all.

Q. (By Mr. PRESCOTT.) What do you think of a punishment that would confine boys five or six weeks in succession, being kept without their clothes continually during that time?

A. I should consider it very severe, sir.

Q. Can you think of any case where you would resort to punishment of that kind?

A. Scarcely, I think.

Q. Would you not think that such a mode of punishment would tend to make boys riotous in their nature?

A. Really, I do not know. My experience with boys, such as are there, does not extend far.

Q. Would not boys, after being kept in cells five or six weeks at a time without their clothes, except those I have mentioned, naturally be riotous?

A. I think not, sir; some may, and others it may have a very opposite effect upon, and may bring them back to obedience.

Q. During your visits to the institution, have you ever seen the strait-jacket there?

A. No, sir.

Mr. PRESCOTT. I do not think of any other questions.

Mr. TRAIN. I would like to ask one question.

Q. (By Mr. TRAIN.) Father Egan, in your acquaintance with the institution, you of course have felt more interest in the Catholic boys than the others?

A. Yes, sir.

Q. Have you seen anything in the management of that institution that would lead you to suggest that a change of discipline, or a change of officials; or do you consider it a proper place for reformatory as well as correctional purposes?

A. If, to make a very extraordinary hypothesis, the management of that institution should pass into my hands as a Catholic priest, I would retain Col. Shepard in his place.

Q. Well, sir, I would like it if you would give me a little more definite answer?

A. I do not mean to speak now with reference to instruction; I speak of the mode of punishment. I have not seen anything I could correct.

Q. (By Mr. PRESCOTT.) In an institution of that kind, would you think it advisable to allow from 20 to 25 officers, connected with the institution, liberty to punish the boys in whatever way they see fit, without reporting the cases to the head of the institution?

A. I should think, sir, there would be cases in which officers would be obliged to act on the instant. Whether they should have that general leave or not, is another question. The rooms are separated from each other; each class is locked in, and the officer is there almost alone with the boys.

Q. Should you think it would be safe to put these different methods of punishment into the hands of 20 officers, and have them exercise any of these modes of punishment at their own discretion, except in cases of emergency?

A. I should not, sir.

Q. (By Mr. DAVIS.) How often have you been in the habit of going to the institution?

A. I could not say; for the last two years and a half, I have preached there every six weeks.

Q. Do you go at other times?

A. Yes, sir; there are very few calls for me, unless it be for the sick, and the institution is remarkably healthy. I went for some time to give catechetical instruction to the Catholic boys, or to such as would avail themselves of it, but I was deprived of that liberty.

Q. You did not go, then, as a matter of right?

A. No, sir; I think I have the right, except the legal right; I have not that. I think every minister has a right to see his people wherever he finds them.

Q. You said in your testimony that you thought, in an institution of this kind, strict discipline should be enforced ?

A. I have that opinion.

Q. Do you not think that would be the same in any institution of education ?

A. I think so, sir.

Q. In any institution, even in a common school, you say there ought to be strict discipline ?

A. That is my opinion.

Q. Would you require that the discipline should be more strict in this place than in other places like the public schools ?

A. It would have to be, of course.

Q. Do you mean they ought to behave better here than they should there ?

A. O no, sir.

Q. But you would justify more severe means to bring it about ? You would not justify strapping boys in the common schools because they whispered ?

A. No, sir.

Q. Or because they were a little saucy, occasionally ?

A. No, sir. Still, I think, even in a common school, if a boy openly rebelled against the teacher, and set the example for it, it would be necessary to punish the boy.

Q. Have you ever known such instances in the common schools ?

A. I have not been connected with any common school in Massachusetts.

Q. Have you ever heard of any in Massachusetts, or anywhere else ?

A. I have seen it in the newspapers ; but, of my own knowledge, I know nothing about it.

Q. Have you ever heard the boys complain of any officer ?

A. I heard them say that one or two officers were easily provoked to anger, and would not bear such things as mocking them or caricaturing them.

Q. Do you not remember the names of any of them ?

A. No, sir ; I do not recall the names. The fact is, my intercourse with the officers is very slight, except with Colonel Shepard and a few others.

Q. Your intercourse with the boys, also, has been very slight, except in cases when you have been called there ?

A. Except when I have been called there.

Q. (By the CHAIRMAN.) I understood you it was not very slight ?

A. I think I recall what I said,—that I go into the halls and speak to them, and occasionally preach to them.

The CHAIRMAN. You said you had been in the institution once in two months for a year and a half. I do not call that very slight.

Mr. DAVIS. I only want time to have it as he wants it.

WITNESS. Perhaps I did not convey myself clearly when I said that my intercourse with the other officers was slight. I mean I did not talk with them as much as I did with Colonel Shepard.

The CHAIRMAN. I understood you to say to Mr. Davis that your intercourse with the boys was slight.

Q. (By Mr. HYDE.) You said it was the opposite?

A. Yes, sir; it has been very free. I have met the boys in other places than at the institution.

Q. (By Mr. PRESCOTT.) Did you visit the boys at the trust houses?

A. I have not been called to the trust houses, but the trust boys used to come in to instruction when I used to go there.

Q. I want to ask you one question in regard to the boys in the trust houses. If the boys in the trust houses show themselves unworthy of trust, would you not consider it a more judicious mode of punishment to reduce them again to the institution, than to take them out into the barn and flog them with a strap?

A. If a boy violates the trust reposed in him, I should not leave him in the trust house any longer.

Q. Well, the point I want to make is this: The boys in the trust houses are permitted to be there because they are considered trust worthy, and it is considered a higher grade. Suppose the boys of the trust houses are disobedient to the rules, and ought to receive some punishment, which should you consider the most judicious mode of punishment, reducing them to the institution again, or taking them out in the barn and punishing them over the body with a strap?

A. I should be inclined to bring them back to the institution; whether or not they ought to be punished for the offence they committed, would be another matter.

The CHAIRMAN. This hearing is adjourned until to-morrow morning, when the Committee will meet at Westborough, to hear the testimony of the boys in the institution.

TENTH HEARING.

WEDNESDAY, April 11, 1877.

Senator DENNY in the chair.

The CHAIRMAN. Mr. Prescott, you are familiar with the names of the boys, and I will call for such boys as you suggest.

Mr. DAVIS. I would suggest, Mr. Chairman, that as there has been considerable talk with reference to this case of Sullivan, Flynn, and Hector, who were punished by Rawson, perhaps, if it is just as convenient, we could hear them first and dispose of them.

The CHAIRMAN. Very well; I have no choice in the matter whatever.

Mr. HYDE. [To the superintendent.] Bring us Sullivan, Flynn, and Hector.

JOSEPH LOMBHEY—*Sworn.*

The CHAIRMAN. Now, whatever you say here will not be to your prejudice at all. You can give your testimony without feeling that it is going to prejudice you in the slightest degree in the institution or anywhere else; only remember that you must tell the truth, and nothing but the truth.

Q. (By Mr. PRESCOTT.) What is your name?

A. Joseph Lombey.

Q. How old are you?

A. Sixteen, and going on 17.

Q. Lombey, do you know anything about the trouble or the riot in January last?

The CHAIRMAN. Before you go on with that, I was intending to ask some few questions.

Mr. PRESCOTT. Well, go on, Mr. Chairman.

Q. (By the CHAIRMAN.) How long have you been in this institution?

A. Six years.

Q. How old are you now?

A. Going on 17.

Q. Where did you come from to the institution?

A. From Marlborough.

The CHAIRMAN. Now, Mr. Prescott, you may go on.

Q. (By Mr. PRESCOTT.) About the disturbance that occurred here the middle of January; do you know anything about what caused that trouble?

A. I heard that it was because Mr. Bigelow struck the boy Collins in the bath-room, and he said he was going to have a grudge, and he got up a plot and the boys got up that night and threw bowls.

Q. You do not know anything about Bigelow striking Collins yourself?

A. No, sir.

Q. What punishment have you been subjected to while you have been here in the institution?

A. I have had all the punishments there are here.

Q. Have you been confined in the sweat-box?

A. Yes, sir.

Q. How long were you confined in the sweat-box?

A. The longest time was a week; Mr. Phillips had me in six days.

Q. You were put in, then, by whom?

A. Mr. Phillips.

Q. What were you put in for?

A. Mr. Cummings put me in in the morning. I was talking there and stamping on the floor, and Mr. Phillips came up and struck me, and I struck him over the shoulder with a stick, and then he struck me, put me into the lodge, and kept me until Sunday morning; then he put me in the box, and kept me in it a week, and then let me out.

Q. Then Mr. Phillips put you in the sweat-box and kept you there six days?

A. Yes, sir.

Q. You being taken out at night?

A. Yes, sir.

Q. What time were you put in in the morning?

A. I don't know what time; the time the first bell rang.

Q. About what time?

A. About six o'clock.

Q. Were you fed before you were put in?

A. Yes, sir.

Q. What were you given to eat?

A. Bread and water.

Q. All the bread you wanted?

A. One piece, that was all.

Q. Were you given any dinner?

A. No, sir.

Q. What time were you taken out at night?

A. About half-past six.

Q. And then you were fed and put into the dormitory?

A. Yes, sir.

Q. How were you fed when you were taken out at night?

A. Bread and water, the same as in the morning.

Q. How much bread did you have?

A. One piece.

Q. How large a piece?

A. About as large as that. [Six inches square.]

Q. Was it as much as you wanted to eat?

A. No, sir.

Q. Did you ever ask for any more?

A. No, sir.

Q. What time of year was this when you were put in ?

A. Last summer.

Q. What was your experience there in the sweat-box ? How did it affect you ?

A. It was not very nice up there.

Q. Did you sweat ?

A. Yes, sir.

Q. Did you sweat your clothes through ?

A. My shirt, I did.

Q. Did you have your hands strapped at all ?

A. Yes, sir, behind me.

Q. (By Mr. DAVIS.) How was it ?

A. Strapped across like that. [Crossing his hands behind him.]

Q. (By Mr. PRESCOTT.) Do you know why your hands were strapped behind you ?

A. No, sir ; I was put in a couple of times before, and my hands were strapped.

Q. (By Mr. DAVIS.) How many times before ?

A. Two or three times.

Q. (By Mr. PRESCOTT.) This strap was put on by whom ?

A. By Mr. Phillips.

Q. I do not know as I understand you fully. By whom were you first put in the box ? By Mr. Phillips ?

A. By Mr. Cummings ; he put me in about half-past seven and kept me in there until noontime. Then I was sick, and vomited in the box ; he took me out and made me wash it, and then put me in again ; then I felt as though I could not stand it any longer at dinner-time, and he took me out and put me in Mr. Phillips' hands, and he put me in the lodge.

Q. Well, were you sick before your dinner ?

A. Yes, sir.

Q. I understand you were taken out and given a dinner that day, were you ?

A. No, sir ; I did not get any dinner.

Q. Well, when were you sick ?

A. Up in the box.

Q. At what time ?

A. I was in about 8, and he strapped me, and that made me sick.

Mr. HYDE. Mr. Lombey, when you are speaking about any of these things, you had best commence at the beginning and tell it all through as connectedly as you can. That is, take this very case of being shut up in the box, tell the whole thing in the order in which it occurred until you were released from punishment, and you will save a great deal of time.

Mr. PRESCOTT. Commence, now, and tell when you were taken out, and when you were sick, etc. ; and tell it right along without my asking you any questions in regard to it. Tell your whole experience, from the time you were put in first by Mr. Cummings.

A. Mr. Cummings put me in for having a knife in the shop ; he kept me in about an hour, and then I was stamping up there and wanted to get out. Then Mr. Phillips told me if I did not stop he would strap me ;

I did not stop, and he came up and strapped me. I took a stick we have to keep the box up and struck him over the shoulders with it; then he gave me a strapping, and made me sick, and I vomited; then he took me out and made me wash it up; then, at noontime, when they came from chapel, I told him I was sick and could not stand it, and Mr. Cummings took me and put me into the lodge and told me to stay until I could stand it. Thursday noon he took me out, and Sunday morning he strapped me in the lodge entry; then he put me in the box and kept me for a week, and took me out and put me on a line in the yard.

Q. (By the CHAIRMAN.) Were you a good boy all the time you were in the lodge?

A. No, sir; I was stamping up there in the box, and that was the reason he strapped me.

Q. Well, when you were in the lodge, what was your behavior?

A. I always behaved myself in the lodge.

Q. (By Mr. PRESCOTT.) What was the effect of this week's confinement in the box?

A. My hands and feet were all swelled, and I was sick after I got out.

Q. How much were your hands swollen?

A. About that much. [About twice the usual size.]

Q. How much were your feet swollen?

A. About the same.

Q. Were you able to walk about easily and rapidly after you came out?

A. I could walk, but not without hurting my feet.

Q. How long did you feel the effect of this after being released.

A. About three days.

Q. How many times have you been confined in the sweat-box?

A. About nine times.

Q. Well, this confinement was the longest you have had?

A. Yes, sir.

Q. How long have you been confined at any other time?

A. Three or four days.

Q. Sometimes less than that?

A. Yes, sir.

Q. How long were you there at any time before?

A. Probably a day, and half a day.

Q. Who have you been punished by in the institution, with what is called the strap?

A. By Mr. Cummings.

Q. Who else?

A. Mr. Wheatley.

Q. Who else?

A. Mr. Wood.

Q. Who else?

A. I cannot remember.

Q. Did you not mention Mr. Phillips?

A. Yes, sir.

Q. Who else?

A. Mr. Emerson.

Q. Do you think of any others?

A. No, sir.

Q. How were you punished when you were punished by the strap? Which of these two straps, if either of them, have been used in punishing you?

A. With one like this. [The lighter one.]

Q. You have never been punished by a strap as heavy as that? [The heavier one.]

A. Yes, sir; once, that is all.

Q. By whom?

A. By Mr. Phillips.

Q. Well, how were you strapped by Mr. Phillips, when you were strapped with this heavy strap?

A. He made me take off my jacket, and strapped me on the back?

Q. What was that for?

A. There were some peanuts in the window, and I took some. It was the day after the 4th of July. There was a barrel of peanuts in the window, and eight or nine boys took some, and he strapped us for it.

Q. How did he strap you?

A. He told me to take my jacket off, and struck me right over the shoulders.

Q. About how many blows?

A. About 16.

Q. When was this?

A. It was on one Thursday.

Q. How long ago?

A. About nine months.

Mr. HYDE. About the 4th of July.

Q. This last 4th of July?

A. Yes, sir.

Q. Did you carry any marks upon your person from the effects of the strapping?

A. Yes, sir.

Q. For how long a time?

A. About a week.

Q. How long did you feel the effects of the punishment?

A. I could not lean against anything with my back.

Q. Could not what?

A. I could not put my back against anything for pain.

Q. (By Mr. HYDE.) For how long?

A. About a week.

Q. (By Mr. TOMPKINS.) Did any other officer punish you with a strap as heavy as that?

A. I was only strapped once by such a strap as that.

Q. That was by Mr. Phillips?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) You spoke of your being strapped by Mr. Cummings; what was that for?

A. For whispering in the shop.

- Q. Well, how were you punished?
- A. He would take one of these straps.
- Q. Which one?
- A. This one. [The lighter one.]
- Q. That you did not consider a very severe punishment?
- A. No, sir.
- Q. Was that the only time Mr. Cummings punished you?
- A. No, sir.
- Q. You spoke of being strapped by Mr. Wheatley?
- A. Yes, sir.
- Q. When was that?
- A. That was when Mr. Phillips was here.
- Q. What was it for?
- A. I was whispering in the dining-room. He took me in the bath-room, and made me lean against the wall, and strapped me on the back.
- Q. Were you face to the wall?
- A. Yes, sir.
- Q. Did you take off your jacket?
- A. No, sir.
- Q. Where were you punished?
- A. On my buttocks.
- Q. How many blows?
- A. Eight.
- Q. Did you feel any particular effects from it afterwards?
- A. It did not leave much on me.
- Q. You spoke about being punished by Mr. Wood; when was that?
- A. That was about three or four weeks after Mr. Wood came here. He told me to get my lesson. I got up and spelled, and I did not spell good, and said I would not get it. In the morning, the next day, he took me in a little room up in the office. He told me to take my pants off, and I would not do it. Then he called Mr. Shepard in, and made me take them off, and strapped me.
- Q. Where did he strap you?
- A. On the buttocks and on the legs.
- Q. Who do I understand punished you at that time?
- A. Mr. Wood.
- Q. Was the superintendent present?
- A. Yes, sir, and the assistant superintendent. He called Mr. Shepard in there. He was in his room writing, and he called him in.
- Q. How much were you punished at that time?
- A. He did not give me much. He put me in the dormitory, then he made me apologize in school, and then let me off.
- Q. (By Mr. TOMPKINS.) Did you think that was a severe punishment for what you did?
- A. No, sir.
- Q. (By the CHAIRMAN.) Did you think any of these punishments were too severe for what you had done?
- A. Well, sir, I have got punished when I deserved it, that is all; and I have often done things when I never got punished.

Q. (By Mr. WASHBURN.) When you did not get punished?

A. Yes, sir.

Q. (By Mr. GILBERT.) Did you think you ought to have been?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Have you ever been punished by having cold water poured upon you?

A. Yes, sir.

Q. When was that?

A. This last winter.

Q. Before the riot?

A. No, sir; in December. Mr. Cummings took me down for telling a lie about a strap. I told Mr. Shepard a lie, and told him one. He kept the hose on me until I got on my knees and told him the truth; then afterwards I had to go and tell Mr. Shepard the truth.

Q. Who do I understand poured this water upon you?

A. Mr. Cummings.

Q. How long a time?

A. About half an hour.

Q. As long as half an hour?

A. Yes, sir.

Q. Did you have all your clothes on at the time?

A. No, sir; nothing but my shirt.

Q. (By the CHAIRMAN.) You are sure about the time, that it was 30 minutes?

A. Yes, sir.

Q. As soon as you confessed, the water was stopped?

A. Yes, sir.

Q. You had told a lie, had you?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) What were you punished for?

A. I told him a lie, and he took me down in the chapel entry and I told Mr. Shepard about him. He took me down and punished me with water until I told the truth, and then he took me into the office and I told Mr. Shepard the truth. He told me he had not time to talk with me, because he was going away.

Q. When you had this water applied to you, were you confined in one of the cells?

A. No, sir. He took me right up and made me wipe myself, and gave me a cup of ginger tea to warm me up.

Q. Do you mean to say that water was poured upon you for half an hour?

A. About that time.

Q. Did you scream and holler any during the punishment?

A. Yes, sir.

Q. What hose was used upon you?

A. The small one.

Q. How near was the nozzle held to you?

A. About that far [about six feet]. I was right up in the corner, and he opened the door and put it in.

Q. Was this stream very forcible ?

A. It was not very forcible.

Q. Were you ever punished in a similar way before or since ?

A. No, sir.

Q. Have you been in the lodge at any time when water has been poured upon the boys ?

A. No, sir.

Q. Have you been present at any time when you have seen boys punished by a strap, or otherwise ?

A. No, sir.

Q. Boys are usually taken by themselves in some room ?

A. Yes, sir.

Q. Do you know anything about the boy Gartland, who committed suicide a year ago last January ?

A. I was not in the school, but I heard about it.

Q. You do not know anything about it yourself ?

A. No, sir ; but the boys told me about it the next day.

Q. No matter about that, if you do not know it. You did not see him ?

A. No, sir.

Q. Did you see him after he was dead ?

A. Yes, sir ; Mr. Shepard had him in the chapel, and let everybody in the institution see him.

Q. Well, were there any marks upon his face, or anything to show any punishment he had received ?

A. No, sir.

Q. (By the CHAIRMAN.) What did Mr. Shepard say to the boys at the time, do you remember ?

A. I do not remember what he said.

Q. (By Mr. PRESCOTT.) How long, at any time, have you been confined in the lodge ?

A. Thirty days was the longest time.

Q. When was that ?

A. About two years ago.

Q. What were you confined for then ?

A. For not letting an officer strike me.

Q. What officer ?

A. Mr. Cummings.

Q. What time of year was this ?

A. It was in summer, just before the 17th of June.

Q. Are you sure you were there 30 days then ?

A. Yes, sir.

Q. (By Mr. TOMPKINS.) How do you keep the run of the days ?

A. The days go pretty long down there, and one day seems like two.

Q. Do you keep a record of the days as they pass ?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Did you keep a record of the days, or do you mean to say that now, it having occurred two years ago, you think it was 30 days ?

A. Yes, sir; I know it was. I told him I was down about a month, and he came down and let me out.

Q. Did you consent to receive your strapping?

A. He did not want to strap me.

Q. Well, during these 30 days in the lodge, you fared well, did you? In regard to food, were you treated well?

A. Bread and water.

Q. How often?

A. Twice; day and night. Mr. Clark used to feed us then.

Q. Do you mean to say that during these 30 days you did not have any dinner?

A. No, sir.

Q. Didn't you have anything but bread and water for 30 days?

A. Yes, sir; Saturday and Wednesday mornings I used to get a piece of meat.

Q. You had meat, then, twice a week?

A. Yes, sir.

Q. Were you allowed to have your clothes? Were you up and dressed every day?

A. Yes, sir; they would take the bed-clothes away during the day.

Q. You did not need the bed-clothes during the day?

A. No, sir.

Q. (By Mr. TOMPKINS.) How did you spend your time in the lodge?

A. Sleeping most of the time, walking up and down the cell, and talking with the boy in the next cell.

Q. (By Mr. PRESCOTT.) Do you know anything about the boy by the name of Durin, who is in the fourth school, about his receiving any punishment from Mr. Bigelow?

A. Yes, sir.

Q. What do you know about him?

A. One morning he was whispering in the hall, and the boys were standing up by the side of the steam-coil. Mr. Bigelow told him to come away, and he pushed him, and gave him a punch and knocked him down, and after he got up he took him and strapped him.

Q. Did you hear him do this?

A. Yes, sir.

Q. Where was this?

A. In the hall, in the morning, just after they got out of bed.

Q. Do you mean up where the dormitories are?

A. No, sir; down-stairs.

Q. Let me understand what this boy was punished for?

A. For whispering. He was whispering to me and Robinson, and he up with his fist and knocked him down right on the floor, and then picked him up and took him into the watchman's office and strapped him.

Q. Did you see him knock him down?

A. Yes, sir.

Q. But you did not see him strap him afterwards?

A. No, sir; I could not, he was in one of the other rooms.

Q. You did not hear him strap him ?

A. No, sir.

Q. Did you see the boy after he was strapped ?

A. Yes, sir.

Q. (By the CHAIRMAN.) How many times had Mr. Bigelow told him not to whisper, before he took him to the office, as nearly as you can remember ?

A. I do not remember how many times he told him, but he told the boys that morning—he did not tell him once to stop.

Q. Did he tell the rest of the boys ?

A. No, sir; he did not say anything to the boys that morning. He came around and the boy was standing there talking about something that happened, and he knocked him down.

Q. Did he have anything in his hand ?

A. No, sir; nothing but his fist.

Q. He did not leave any marks on the boy's face.

A. No, sir.

Q. Did you see the boy after he was strapped ?

A. Yes, sir.

Q. Did he show any marks of punishment ?

A. His hands were red, and he was crying, that is all.

Q. How old a boy is this Dunn boy ?

A. About 15.

Q. Is he here now ?

A. Yes, sir.

Q. Did you ever see Mr. Bigelow strike any other boy in a like manner ?

A. Yes, sir; I only saw him twice.

Q. Who ?

A. William Burns.

Q. Is he here now ?

A. Yes, sir.

Q. What were the circumstances then ?

A. For whispering,—he knocked him tumbling right over with a crack.

Q. How did he knock him. Did he just trip him or strike him ?

A. He struck him.

Q. Where did he strike him ?

A. In the face; he knocked him right over, and then he took him and strapped him.

Mr. WASHBURN. Don't you think it would save time if we had this story from Burns himself, as long as he is here ?

Mr. PRESCOTT. Yes; but there is this about it, that this boy saw the thing done, and if Burns afterwards would relate it as this boy has told it, under certain circumstances it would be corroborative, and it would be stronger.

Mr. WASHBURN. I do not make any particular objection, but make the suggestion.

Mr. PRESCOTT. I do not want to go into anything that is immaterial.

Q. Well, do you know how the boy was strapped afterwards?

A. No, sir.

Q. Did you see him afterwards?

A. Yes, sir; he was crying.

Q. You do not know how he was strapped?

A. No, sir.

Q. Do you know any other cases in which Mr. Bigelow struck boys?

A. I have not seen him, but I have heard that he struck Collins, and that raised the riot.

Q. You do not know anything about that yourself?

A. No, sir.

Q. (By Mr. HYDE.) At the time you stole the strap, did you have any trouble about refusing to work?

A. Yes, sir.

Q. What was that?

A. He told me to do a chair in five minutes. I told him I could not; my stint was 55. I could do it, but I did not feel like working. He told me he would put me in the lodge if I did not do it. I did not pay any attention to it, but went over and took the straps from a pair of skates. Then he asked me about it, and I told him I did not, and he punished me on the top of the steps. The next session I would not work, and he took me down to see Mr. Shepard, and then put the hose on me.

Q. Then, if I understand you, your first trouble was that you refused to work?

A. Yes, sir.

Q. Then, you went to get some cane, and you stole the straps from a pair of skates, and then you lied about it?

A. Yes, sir.

Q. And then, the next day, you refused to work, and then you were put down in the lodge?

A. Yes, sir.

Q. Now, you say Mr. Phillips was present and helped hold the pipe?

A. Yes, sir.

Q. Well, the time you were kept in the box so long, Mr. Phillips kept you there?

A. Yes, sir.

Q. So that these two punishments he was present at?

A. Yes, sir.

Q. Well, you have had, off and on, considerable many experiences here?

A. Yes, sir. I have been here long enough. It has hardened me right up.

Q. Well, you are getting along better than you did. Are you getting along pretty well now?

A. Yes, sir.

Q. You do not have so much trouble?

A. No, sir.

Q. Well, I suppose you are trying to be a good boy now?

A. Yes, sir.

Mr. HYDE. Well, I am glad to hear it. You say you are about going on 17. I think that is all.

Q. (By Mr. DAVIS.) Lombey, have you ever seen that gentleman [Mr. Hyde] before?

A. Yes, sir.

Q. Did he ever say anything to you?

Mr. HYDE. I will say I have not talked with a single boy.

Q. (By Mr. DAVIS.) Did you know we were coming up here to-day?

A. No, sir.

Q. (By Mr. TOMPKINS.) No one has talked with you anything about the investigation, in any way?

A. No, sir; only you three men, that I saw here before.

Q. You remember us, do you?

A. You talked with me when you were here.

Q. We talked with you in the same way we do to-day?

A. Yes, sir.

The CHAIRMAN. That is all right.

Q. (By the CHAIRMAN.) Only one single question. Do you think you were ever punished beyond what you deserved?

A. No, sir.

Q. (By Mr. DAVIS.) Well, did you think, at the time you were punished, that you did not deserve it?

A. No, sir; I have always deserved it.

The CHAIRMAN. I hope you will be a good boy, Joseph, and do as well as you can here now.

FREDERICK A. HECTOR—Called.

Q. (By Mr. DAVIS.) Did you ever see me before, Hector?

A. Yes, sir; I believe so.

Q. (By Mr. TOMPKINS.) Did you ever see me before, Hector?

A. Yes, sir.

Q. (By the CHAIRMAN.) What is your name?

A. Frederick A. Hector.

[The witness was here sworn.]

Q. (By the CHAIRMAN.) You need not be afraid to answer any questions that are asked you here; it shall not injure you in the slightest degree. Do you understand that?

A. Yes, sir.

Q. How old are you, Frederick?

A. Eighteen.

Q. How long have you been in this institution?

A. Altogether, I have been here ten years.

Q. Have you been out at different times?

A. Yes, sir.

Q. When were you out the first time; how long after you had been here?

A. I believe about two years after I had been here, I was bound out.

Q. After you had been here two years, you were placed out?

A. Yes, sir.

Q. Well, then, how long before you got back again?

A. About a year.

Q. And then how long were you here?

A. I was here a short time.

Q. Did you leave voluntarily, or did you run away?

A. I went away again voluntarily.

Q. Did you run away?

A. No, sir.

Q. They got you a place, did they?

A. Yes, sir.

Q. And then how long did you remain away?

A. Just about the same time.

Q. A year?

A. Yes, sir.

Q. And then came back again?

A. Yes, sir.

Q. And then do you remember how long you stayed here?

A. No, sir; it was only a short time; while Mr. Shepard was here; it was a very short time. He got me another place, and then I came back from that place. Then I went home on a visit a short time, and then I came back here again.

Q. Well, where are you from?

A. From Worcester.

Mr. DAVIS. You tell about your being punished by Mr. Rawson, and his taking you from the shop and punishing you. Go on and tell all about it.

The CHAIRMAN. Let him tell what he was punished for. You remember it won't injure you in the slightest degree. You can tell the whole story to us here and we will hear you, only you must tell the truth.

WITNESS. I was monitor of the shop. The man Mr. Rawson was there for Mr. Hinckley, and he put me in monitor of the shop. One morning he went to Boston, and Mr. Rawson took charge of the shop. The boys were at work on rocking-chairs, and he did not give them a large stint that day; and some of them got their stint through in the forenoon—the biggest part of the shop. There were only a few who did not get them off. The next morning he came in and they were sitting on the benches. I was always allowed to answer any question a boy asked me, and a boy asked me a question and I went up to talk with the boy. Then I laid on the bench again, and he said he didn't want to see me fooling. Then I went—

Q. (By the CHAIRMAN.) Mr. Rawson told you?

A. Yes, sir. Then I laid on the bench, and after a while I got up and went to the window and was looking out there. I looked out there ten minutes. Then he called me out and said he wanted to talk to me, and he said he was going to lick me. I asked him what for, and he said I told a lie in the shop. I told him I did not see any lie about it, for the biggest part of the boys had their stint off. Then he saw he could not cast much upon that, and seeing that he could not cast much upon what I had done, he cast it up and told me he wanted me to go out into the

barn. Then he wanted to give me a punishment, and I went into the shop and asked the boys to help me have fair right. All the boys were standing at the benches. He pulls out his revolver, and he says, "The first boy that steps out of here I will shoot." Then he pointed the pistol at my head, and I had to walk out, and I took it as cool as I could. Then I went down-stairs, and he tried to get me to talk, but I didn't. I went out into the barn, and he kept the revolver in his hand until he got out there. He went into a little room, called the grain-room, and he took out a strap like that [the heavy one], not quite as long, but harder, and he took me on the floor and told me to take my shirt off. I told him I would not, and he tried to take it off. After that I took my shirt off quietly. He took me and pulled me on to the floor. That was more than I could stand, or anybody else, and there he had it out.

Q. Well, is that all?

A. Yes, sir.

Q. (By Mr. DAVIS.) Now, you resisted the punishment in the barn?

A. Yes, sir; but I took it as cool as I could, and did not say anything at all against it.

Q. Did you have any trouble with him there after you resisted his punishment? Did he throw you down; or, how was that?

A. He kind of tripped me down and had me on the floor all the time. He pulled me to the floor by the hair of the head. Then he took and whaled me on the floor, and I got up again, and he got me in the corner and he whaled me there.

Q. Did you examine that strap closely? You didn't have so good a chance to examine it at that time?

A. The strap was harder than this; the same kind, but not as long.

Q. You are sure about that?

A. Yes, sir.

Mr. TOMPKINS. What chance did he have to see it?

Mr. DAVIS. When he pulled him out to whip him with it.

Q. (By Mr. DAVIS.) You only got a glimpse of it?

A. I clung hold of it once, and I looked at the strap and saw what it was.

Q. It was made exactly like that?

A. Yes, sir; the same kind of a piece of trace.

Q. Just about as long?

A. No, sir; about half as long.

Q. How many blows did he strike you?

A. I could not say; I did not count them; but a good many.

Q. Well, did he talk harshly to you at the time?

A. Yes, sir; he said, "When a boy wants to laugh like that, I mean to give him enough."

Q. Now, Hector, did he force you to go to the barn under cover of a pistol? Was he pointing it at you all the way?

A. He had it pointed like that [under the ear]. I went to run away from him, and then he took the pistol out, and told me to go along?

Q. (By the CHAIRMAN.) Did you refuse to go to the barn before he pointed the pistol at you?

A. Yes, sir. When he saw I wanted to have fair right about the thing, and that he could not make much of it, then he pointed the pistol at my head, and told me to go to the barn; and he kept it there until I got there.

Q. You were monitor of this room, were you?

A. Yes, sir.

Q. What do they make monitors out of here; of the best boys, do they not?

A. Yes, sir; they put in the good boys.

Q. You consider it a position of honor. Had you ever been whipped before?

A. I had been whipped before, but never so hard as that.

Q. How, then?

A. By a lady; that was when I first came here; and by a gentleman, —by Mr. Morse.

Q. Did Mr. Rawson swear?

A. No, sir; I did not hear him. Then I was whipped by another man, named Mr. Newton.

Q. Are you in the same position, now, as monitor?

A. No sir; I took my old place back again, and that was hemming.

Q. Have you been sick since you have been here?

A. Yes, sir; I have been sick, and I am not very well.

Q. Have the doctors ever told you that you had any disease, or any trouble especially?

A. No, sir; they never told me right out.

Q. You are stouter than you were last February. Are you better than you were at that time?

A. Yes, sir.

Q. (By Mr. TOMPKINS.) Was Rawson ever given charge of you before?

A. Yes, sir.

Q. Since he "mugged" you, as you called it, has he ever been in charge of you?

A. Not since he whipped me.

Q. He never went back there?

A. No, sir.

Q. How did he treat you before?

A. When he first came to the shop, and I was there, he treated me well. The second time was the time I got the whipping.

Q. Did he ever punish any other boys?

A. Yes, sir.

Q. Then he has been in charge of school previously?

A. Yes, sir.

Q. What was he there for?

A. Here, in Mr. Hinckley's school?

Q. Yes; what was Rawson there for? Do you know?

A. He came there to fill Mr. Hinckley's place, while he went to Boston.

Q. Before this time, had he whipped you?

A. Yes, sir.

Mr. HYDE. He means the previous day.

Q. (By Mr. TOMPKINS.) Now, before that day when Rawson whipped you, had he ever had charge of your school?

A. Days before that he had.

Q. And he treated you well?

A. Yes, sir.

Q. But he has never been there since?

A. No, sir.

Q. Do you say Mr. Rawson whipped other boys?

A. Yes, sir.

Q. Did you ever see him whip other boys?

A. Yes, sir; two boys are here now that he whipped.

Q. Had you seen other boys besides them?

A. I saw a number in there besides these two.

Q. Did you see them whipped; or, did you hear them?

A. I saw him when he took them out of the shop.

Q. Did you ever take a shovel to Rawson?

A. No, sir; I never took anything to him?

Q. Do you remember anything about it?

The CHAIRMAN. Never mind; we shall never get through.

Mr. PRESCOTT. It seems to me, with regard to this punishment, the sub-committee came up here a day or two afterwards, and took down quite a detailed description of the appearance of the boy who was punished. It seems to me there should properly come in, at the present time, this testimony of the three members of the Committee who were up here and saw the boy in the condition in which he was. Would it be proper for some member of the sub-committee—it is immaterial which—to state the appearance of the boy after that punishment?

Mr. HYDE. I only want to ask the boy a few questions?

Mr. PRESCOTT. I will ask a few questions.

Q. (By Mr. PRESCOTT.) While you were in the main institution, were you punished at all?

A. Yes, sir.

Q. Were you ever confined in the sweat-box?

A. No, sir.

Q. Have you ever seen boys in the institution who have shown marks of severe punishment?

A. I have seen boys in here marked up. One boy is down at the Farm House now.

Q. What is his name?

A. McMahan.

Q. How did Mr. Hinckley treat you?

A. He treated me good; I never had any trouble with him while I was down there.

Q. Are there any others you think of, that you have seen, who show marks of severe punishment?

A. No, sir; I do not remember any now. That boy Burns comes to my mind; he has not been here long.

Q. Who was he punished by?

A. By a lady.

Q. Did Dr. Harvey tell you you had better go out to one of the outside houses, because your health was not very good?

A. He never told me anything about it.

Q. How long did you feel the effects of this punishment you received from Mr. Rawson?

A. I felt it all the next day. I felt pretty sore the next day.

Q. (By Mr. DAVIS.) Are you sure that is not the strap you were punished with?

A. Yes, sir; that strap he had was a hard strap; it was a great deal harder.

Q. It was nothing so limber as that?

A. It didn't seem as limber as that; it was about that length [about two-thirds the length of the heavier strap]. It was not as long as that.

Q. (By Mr. PRESCOTT.) Do I understand you were punished on the bare flesh?

A. Yes, sir.

Q. (By Mr. HYDE.) When you were punished previously to this, before Mr. Rawson punished you, were you ever so severely punished?

A. No, sir; I was treated good, and the punishment I got I was always willing to take.

Q. And deserved it?

A. Yes, sir.

Q. Until this Rawson punishment, you had no fault to find?

A. Till then, I had no fault to find.

Q. You didn't understand the occasion of that. Didn't he ask you to go down to the barn with him?

A. Yes, sir.

Q. Now, when was it that you called upon the other boys to help you? Didn't you run back from him, and run into the shop?

A. Yes, sir.

Q. In other words, you started to go down to the barn with him, and, after you had started, you ran back?

A. Yes, sir.

Q. And then you called upon the boys to help you?

A. Yes, sir.

Q. Now, did any of the other boys do anything?

A. No, sir; they did not.

Q. Did they leave their work?

A. They left their work and gathered around to see what I wanted.

Q. It was after you ran back and called on these boys that he drew the pistol?

A. Yes, sir.

Q. Did he tell you what he was going to do with you?

A. Before I ran back into the shop, he told me he wanted to talk with me. I believed he did; instead of that, he was going to give me a punishment, and I turned round and ran back into the shop.

Q. You were walking down to the barn?

A. Yes, sir; I was going to the barn.

Q. And then you ran back?

A. Yes, sir.

Q. What I mean is, that, at the time you walked away, he had not told you what he was going to do to you?

A. No, sir.

Q. He told you he wanted you to go down and talk with him, but he did not tell you he was going to punish you?

A. No, sir.

Q. You found he was taking you down there to whip you?

A. Yes, sir.

Q. Now, did you ever administer punishments when you were monitor?

A. No, sir; I never got a whipping.

Q. No, sir. Did you ever punish boys?

A. Yes, sir.

Q. What did you ever do in the way of punishing?

A. Well, if any boy did not mind me when the officer was gone out, I was compelled to keep the shop quiet. There was a boy in there talking one day. I had to go up and get some cane to finish some chairs, and I came back and asked him what he was whispering for, and he said he wasn't. I saw him with my own eyes. Mr. Wood had the shop this day, and was out, and I was expected to take charge and keep order, and if I did not do it he would flog me. I struck the boy, as it was my duty to do, to keep him quiet.

Q. How did you strike him?

A. I struck him in the face with my fist. I hurt him a good deal, but I did not make any intentions to do it.

Q. Did you report it?

A. Mr. Wood came in, and he called me up. Mr. Wood is right here, and he can tell you what he said.

Q. Tell us all the facts, just as you understand them. Did Mr. Hinckley ever authorize you to punish any boys when you were a monitor?

A. Yes, sir; he told me to punish them if they did not keep quiet.

Q. When he went out on his business?

A. Yes, sir.

Q. Did you ever punish any other boys while you were monitor?

A. Yes, sir; I have struck a good many boys there.

Q. For some disorderly conduct?

A. Yes, sir.

The CHAIRMAN. That is all. We just want to tell you that we hope you will be a good boy here, and you will be better for being here. Nobody has any hard feelings toward you, at all.

Mr. TOMPKINS. I will suggest, Mr. Chairman, that inasmuch as there was a sub-committee which came up here,—the first sub-committee consisting of Mr. Sanderson, Captain Davis and myself,—who examined the boys Sullivan and Flynn, as well as the boy who has just gone out; and that sub-committee, as well as the whole Committee, were unanimous in their disapproval of the punishment which this farm-hand Rawson had

given these boys, and that we all agreed upon that point, that it was a case of cruelty, and we so reported it in our first report; therefore, I will submit, Mr. Chairman, that we should save time by not going into that evidence any further. I wish to examine them fairly, and to obtain all the facts, but Captain Davis has brought down a full description of them to the Committee, and why should they go over them again?

Mr. PRESCOTT. Do you mean to say, Mr. Tompkins, because the punishment was one of cruelty, and one the Committee did not think was justifiable, that we should not record the facts in the case?

Mr. TOMPKINS. I mean to say that we should record the facts which are now in our possession, which we all agree upon. We all agree that these three boys, Sullivan, Flynn and Hector, were all very severely and cruelly punished. I think there is no disagreement now about that. Then, why go into it again as long as we have already taken it?

Mr. PRESCOTT. I do not desire to go into it any further than this: that as three members of this Committee came up here, and saw these boys, and how they were punished, and returned to the Committee and described that punishment, and brought small slips of paper showing the size of the stripes upon the boys' backs, it seems to me we ought to hear from some member of the Committee a statement of the appearance of these boys, so that there shall be no question in regard to the punishment. This report is not for us alone, but for the members of the Legislature and the people of Massachusetts.

Mr. HYDE. Why not let Mr. Davis state the facts in regard to this case, and let it go upon the records.

Mr. TOMPKINS. My object is to save time. If Capt. Davis will stand up here and make a statement in regard to it, that will be put into our record; Capt. Davis will give it a great deal more quickly, inasmuch as we are all agreed.

Mr. TRAIN. I should think, if we have anything, we had better have it from one of the boys; and I would rather have it come from the boys, than from any member of the Committee. I think that is the fairest way of doing it. More than that, I would like to know how they discovered the blows on this boy's back, so as to tell about the color, whether they were black, blue or white.

Mr. DAVIS. I supposed it was understood that some one of the Committee, who had examined the boy, would make a statement.

The CHAIRMAN. That was the understanding, and you will please go on.

Mr. DAVIS. The fact was, we found that this boy had been punished, and severely punished, the morning before we were here. We had the boy come up here, and I am quite sure we examined his back.

Mr. TRAIN. Which boy?

Mr. DAVIS. Hector; and although his skin is dark, there was no trouble in tracing, in many places, the location of the blows. The marks were well defined, not so much on his thighs and hips, but on his naked back and shoulders. In some places the blows had gone around farther on the side than in others, but the explanation was,—and it seemed to be fair,—that it was because he struggled so hard to get away, and that

he was hit sometimes on his back square, and at other times around on his side. There was no trouble at all in seeing that the blows had been numerous and heavily struck, and the marks were very distinctly defined, and were very severe.

Mr. TOMPKINS. Capt. Davis has put it just right. In regard to those boys, I should refrain, Mr. Chairman, as one of the sub-committee, from making any statement and finding my name on the record as giving testimony which belongs to the other boys.

Mr. HYDE. Have you examined the backs of the three boys?

Mr. DAVIS. Yes, sir.

Mr. WASHBURN. It is perfectly proper for Capt. Davis to state the facts that he saw.

Mr. DAVIS. I will state, while I am about it, the condition of the boys' backs,—Sullivan's and Flynn's,—and save time, if it is what the Committee desire.

The CHAIRMAN. Before you do that, I would like to have the boys' testimony taken; then we will do just as we have done now.

Mr. WASHBURN. Is this the Rawson case?

The CHAIRMAN. Yes, sir.

Mr. WASHBURN. Well, suppose Rawson has murdered a boy. It is a case everybody admits to have been an irregular proceeding, and which nobody pretends to defend.

Mr. HYDE. Those all come under the same cases.

Mr. WASHBURN. I do not want any man to say he did not have a chance to state all the facts that he saw.

Mr. DAVIS. The point I make is just this: I am not here as a witness; I am here as one of the Committee. I want the evidence from the boys, that it may be recorded. This evidence is for the people, and for anybody and everybody. I do not want to testify myself; I want it from Sullivan and Flynn, and not from a member of the sub-committee. It seems to me we cannot get over it and do justice to the work.

Mr. TOMPKINS. My memory is very fresh about this.

Mr. WASHBURN. Has any one objected?

The CHAIRMAN. If you have told all that you wish to, Capt. Davis, we will send for the boy Sullivan.

Mr. WASHBURN. Suppose I take an opportunity to say a word now on that point. I think it is perfectly proper—it is certainly proper—as this matter has been opened up, notwithstanding it is a case that occurred without authority, that this disclaimer should go with the facts, because it is all to appear in the same record, and the boys can be examined just the same as before; but as their backs are in a somewhat modified condition, it would also be proper for Capt. Davis to state the facts concerning what he saw when the sub-committee were here, because the boys could not see their own backs; and it is perfectly proper for Capt. Davis to state what he saw when he examined them.

DENNIS SULLIVAN—*Sworn.*

The CHAIRMAN. Now, whatever you state here, you can state with perfect freedom. You need not be afraid to tell the truth.

Q. (By the CHAIRMAN.) How long, Dennis, have you been in the Reform School?

A. About two years.

Q. About two years?

A. Yes, sir.

Q. How old are you?

A. Sixteen.

Q. And where are you from?

A. Fitchburg.

The CHAIRMAN. Captain Davis, you have seen him before, haven't you?

Mr. DAVIS. Yes, sir.

The CHAIRMAN. Well, then, you may examine him.

Q. (By Mr. DAVIS.) Do you remember me?

A. Yes, sir.

Q. Do you remember any others of the Committee?

A. Yes, sir.

Q. Do you remember we were up here one night?

A. Yes, sir.

Mr. HYDE. Let him tell this story of the Rawson punishment.

Mr. DAVIS. [To the witness.] You may tell the story of your punishment by Mr. Rawson, and give us all the circumstances of it.

Mr. HYDE. Tell all the circumstances, just as they occurred, right along in order.

Mr. DAVIS. He was punished the Saturday before by Mr. Wood, and then by Mr. Rawson. Perhaps he had better tell about Mr. Wood's punishment.

The CHAIRMAN. If you will, you may tell us what occurred at the time you were punished by Mr. Wood, what you were punished for, and give us the whole story; and afterwards tell us what you were punished for by Mr. Rawson, and the reason why Mr. Rawson punished you. You need not be afraid to tell it just as it was.

WITNESS. I think Mrs. Hinckley told Mr. Wood that Kelly and I took some meat out of a dish. Then we went to the shop; and before we got into the shop, some boy came down in the cellar and told us we were going to get a strapping. We asked him what for, and he said for taking some meat. We told him we hadn't taken any meat. He told me we were to go down to the shop, and Mr. Wood came up and said he wanted to see me. He took me out to the barn and told me to take off my jacket. I took off my jacket. He told me to take off my pants, and he strapped me.

Mr. HYDE. Tell how much he strapped you, and where he strapped you, and all about it; the whole thing.

Q. (By the CHAIRMAN.) How many blows did he strike you, should you think?

A. About 12, or somewheres around there.

Q. (By Mr. TOMPKINS.) Are you sure it was not more than that?

A. I do not know, sir.

Q. You are very sure it was not more than 12?

A. Yes, sir.

Q. Do you remember seeing me here?

A. Yes, sir.

Q. Didn't you tell me that he struck you 40 blows?

A. No, sir; not Mr. Wood. That was Mr. Rawson.

Q. (By the CHAIRMAN.) He struck you about 12 times upon your bare buttocks or legs?

A. Yes, sir.

Q. (By Mr. HYDE.) What with?

A. A strap.

Q. (By Mr. DAVIS.) What kind of a strap did he use?

A. Something like that [the lighter one].

Q. Did he strike you on the shoulders?

A. No, sir.

Q. Did he throw you down?

A. No, sir.

Q. You were standing up?

A. Yes, sir.

Q. Did you take off your pants?

A. Yes, sir.

Q. (By the CHAIRMAN.) That is all about Mr. Wood's punishment?

A. Yes, sir.

Q. (By Mr. DAVIS.) Did you take any meat when you were whipped?

A. No, sir.

Q. Did you attempt to take any?

A. I put out my hand, but I didn't take any.

Q. Did any boys take any?

A. No, sir; not as I know of.

Mr. HYDE. This is the same one who is referred to repeatedly as attempting to take meat.

Mr. DAVIS. Yes, sir.

Q. (By Mr. DAVIS.) Now, go on and tell about Mr. Rawson punishing you, and the cause of that.

A. When we were up in the shop, he found Flynn and me whispering. We whispered two or three times, and he said he wanted to see us. I didn't know who he meant. He said he wanted to see Flynn and Sullivan. Then we went out as far as the entry, and we didn't know what he wanted. I didn't want to go any farther; then I stopped in the entry, and he came up and told me to come down. I said, "Come down where?" He didn't say where. He said he wanted me to come down with him, and I went down with him. He was coming up, and I went back. Then he took us into the tool-room, and he told me to take off my pants; I asked him what for, and he said for whispering. I said that Mr. Hinckley used to let us whisper once in a while. He said we had been whispering too much, and told me to take them off again, and I was going to take them off. Then I put my hand on a shovel. He went to the door and took his key out of the door, and I put the shovel back. He told me to take off my pants, and I said that I didn't want to take off my pants. He said he would take them off for me. I took them off, and

he struck me two or three times, and I pulled them up again. Then he knocked me down on the floor, and went at me on the floor. I was trying to get up, and he put his hand on me and tried to hold me down.

Q. Put his hand on you where?

A. Right up here [across the hips], to hold me down.

Q. To whip you?

A. Yes, sir. Then for a while I didn't move; I let him keep on.

Q. What was that?

A. I did not move for about a minute or so, and then he let me up. After he got through with me, he took Flynn.

Q. How many blows did he strike you?

A. I do not know, sir. He struck me somewhere about 40.

Q. Did he strike hard every time?

A. Yes, sir. Then he took Flynn.

Mr. DAVIS. Let Flynn tell his own story.

Mr. HYDE. There is no dispute about this.

Mr. WASHBURN. There is no dispute about the facts, anyway. I should think it might go in without objection.

Q. (By Mr. DAVIS.) You say you and Flynn were whispering?

A. Yes, sir.

Q. Will you say how that occurred? Were you standing by your chair whispering to Flynn?

A. I walked over and stood by his bench.

Q. You did?

A. Yes, sir; I worked the next bench to him.

Q. How near was he to you?

A. As near as that. [About four feet.]

Q. You didn't have to walk out there?

A. No, sir; just stepped, to whisper.

Q. Did you tell him that Mr. Hinckley allowed you to whisper sometimes?

A. I told Mr. Rawson so.

Q. Well, did Mr. Hinckley allow you to whisper?

A. Yes, sir.

Q. You told it as it was?

A. Yes, sir.

Mr. DAVIS. I don't think I want to ask any more questions.

Q. (By Mr. PRESCOTT.) Have you been punished at times while you have been here; not by Rawson, but by some other officer? Have you been punished by officers while here at school?

A. Yes, sir.

Q. Well, by whom have you been punished?

A. Mr. Hinckley.

Q. How long ago was that?

A. I do not know, sir; about a year, or a year and a half.

Q. How were you punished then?

A. On the hands.

Q. With a strap?

A. Yes, sir.

Q. Like one of these ?

A. I do not remember what kind of a strap it was.

Q. Have you ever been punished over the back, before or since, by any persons connected with the institution here ?

A. No, sir ; not that I can remember.

Q. Have you ever been confined in the sweat-box ?

A. No, sir.

Q. How were you treated by Mr. Hinckley ?

A. The same as the other boys.

Q. How were the other boys treated by Mr. Hinckley ?

A. They were all treated good.

Q. (By Mr. GILBERT.) Did he ever punish you ?

A. No, sir.

Q. (By Mr. DAVIS.) Can you say which one of these straps was the one used by Mr. Rawson when he punished you ?

A. It was a strap something like that [the heavier strap].

Q. (By Mr. HYDE.) You knew it was against the rule to whisper in the shop ?

A. Yes, sir.

Q. Now, when you were whispering, was it whispering or talking aloud ?

A. Whispering.

Q. And then you went down there and you seized a shovel standing at the door, as you say ?

A. Yes, sir.

Mr. HYDE. I believe there is no dispute about it. I would suggest, if the reporters are taking this down, that they take down the fact that these boys do not know about in regard to these punishments by Mr. Rawson, a farm-hand. Mr. Hinckley went to Boston to appear before this Committee, and in his absence Mr. Rawson was put in authority, and he punished these three boys while he was in authority. Nobody excuses or justifies it. Everybody is unanimous about it. It was not his place to be in charge of these boys, and there is no disposition on the part of the trustees, or anybody else, to defend this punishment.

Mr. DAVIS. Do you want I should make my statement ?

The CHAIRMAN. It is quite important that what is said should go down upon the records, and that the stenographer should take it down, as I suppose he will.

Mr. DAVIS. I would like to have Mr. Tompkins present this case to the Committee.

The CHAIRMAN. Go on, Captain Davis.

Mr. DAVIS. The fact is, I came up here with Mr. Tompkins and Mr. Sanderson, and saw the evidence in this case, and saw the evidence in the other two cases. I made an examination of the persons of the boys, and I found this Sullivan marked very severely with the strap, and he was evidently struck a very great many blows, all the way from the back of the neck nearly to the knees. It was down on to the thighs, and the wales went around the body and across the back,—in different ways across the back. His body seemed to be in a very bruised condition, and

he was really a very horrible sight to me. I have told it briefly, but I think I have covered it all. At any rate, the strap covered all the back and legs and hips of the boy. I dislike to make a statement here as a witness.

THOMAS FLYNN—*Sworn.*

Q. (By the CHAIRMAN.) What is your name?

A. Thomas Flynn.

Q. How long have you been here, Thomas?

A. Two years the 8th of July.

Q. Where did you come from?

A. Waltham.

Q. You were in the Farm House here, were you not, under Mr. Hinckley?

A. Yes, sir.

Q. Do you remember about the punishment which was given you by Mr. Rawson?

A. Yes, sir.

Q. Now, what we want is to have you tell us about your punishment that day; what you were punished for.

A. I was in the shop that morning, and he told all of us not to whisper, and after awhile he came up, and he said he told me and Sullivan not to whisper, but I didn't hear him. None of us heard him tell us. Then he said, "I want to see you." We went out. We were going down-stairs, and some of us went to go back, but I stayed on the stairs. Then I and Sullivan went down, and he put us into the tool-room. He took Sullivan and told him to strip, and then he took me.

Q. (By Mr. TRAIN.) Who struck you? Did you say?

A. Mr. Rawson.

The CHAIRMAN. Go on.

WITNESS. He took us up into the shop, and we went to work and finished all the chairs, and sat down on the bench.

Q. (By Mr. DAVIS.) Did he take your pants off and your jacket?

A. He didn't take them off.

Q. He let them down around your feet?

A. Yes, sir.

Q. He stripped them down?

A. Yes, sir.

Q. And pulled up your shirt and whipped you on the bare back?

A. Yes, sir.

Q. Strapped you on the bare skin?

A. Yes, sir.

Q. Hurt you bad?

A. Yes, sir.

Q. Did you scream?

A. No, sir; I didn't scream; I hollaed.

Q. Did you try to get away?

A. No, sir; I didn't try to get away. I tried to roll over when he was down on me on his knees. He got my hands like that [crosswise, behind], and he put his hands on my back, and I had my hands up like that.

- Q. Similar to which one of these straps was that which he used?
- A. It was more like that [the heavier strap] than like this [the lighter strap.]
- Q. (By Mr. LOWE.) Do you think that is the strap?
- Q. (By Mr. DAVIS.) You didn't mind much about it, did you?
- A. No, sir.
- Q. Can't tell about that?
- A. No, sir.
- Q. (By Mr. TOMPKINS.) But it was like that?
- A. Yes, sir.
- Q. (By Mr. DAVIS.) How many blows did he strike you?
- A. Between 40 and 50.
- Q. He struck you between 40 and 50 blows?
- A. Yes, sir.
- Q. Have you been punished before, or strapped before?
- A. Yes, sir.
- Q. How many times?
- A. I do not know.
- Q. A good many?
- A. No, sir; not a good many.
- Q. Will you tell about how many? Do you remember how many times you have been strapped? No matter, I don't care now. Who had strapped you before?
- A. Mr. Cummings.
- Q. In the chair-shop?
- A. Yes, sir.
- Q. Well, this occurred down here in one of the trust houses, did it?
- A. Yes, sir.
- Q. You considered you were out there because you had been a good boy?
- A. Yes, sir.
- Q. You had been promoted?
- A. Yes, sir.
- Q. And the boys out there, as you understand it, go out there because they have been good boys; is that it?
- A. Yes, sir.
- Q. (By Mr. TRAIN.) You say you have been strapped before?
- A. Yes, sir.
- Q. Didn't it hurt before?
- A. Not so much.
- Q. Didn't you holla?
- A. I never hollaed before.
- Q. Never got strapped so before?
- A. I have got strapped on my hands.
- Q. Never strapped on your body?
- A. No, sir.
- Q. (By Mr. HYDE.) You were not strapped severely on your hands. Did you always deserve it when you were whipped on your hands?
- A. Yes, sir.

Q. (By Mr. DAVIS.) Have you ever been put in the sweat-box?

A. No, sir.

Q. In what other ways have you been punished, except by strapping?

A. That is all the way.

Q. (By Mr. PRESCOTT.) Do you know any case where Mr. Rawson has punished boys before?

A. No, sir.

Q. Has he ever had charge of the boys there before he had charge of the Peters House?

A. He was there up to the Peters House before he was anywhere else.

Q. (By the CHAIRMAN.) What was that? He had charge of the Peters House?

A. Yes, sir; when Mr. Hinckley was away, he had charge of the Peters House.

Q. Were you there under him then?

A. No, sir; I was not at the Peters House.

Mr. WASHBURN. How can he know the relations of the officers to the institution?

Q. (By Mr. PRESCOTT.) How do you know about his having charge of the Peters House?

A. I have seen him with the boys.

Q. How long was he away?

A. I do not know.

The CHAIRMAN. I do not think that is a fair question to ask this witness. You ask him how long Mr. Hinckley was away; he does not know.

Q. (By Mr. PRESCOTT.) Do you know how long Mr. Rawson had charge of the boys at the Peters House?

A. I do not know.

Mr. DAVIS. I think the question is direct and proper.

Mr. HYDE. He answers he does not know.

Mr. PRESCOTT. He said he did know.

Mr. HYDE. Not about how long a time Mr. Hinckley was away, as I understand it.

Mr. DAVIS. I think there has been a great deal of latitude allowed in this hearing, and it has been stated that this thing had never before occurred, and that he had not been allowed to have charge of the boys, and was not accustomed to it. Now, if the fact is known that he did have charge of the Peters House, it seems to me it is just one of the things we want to find out.

Mr. HYDE. Exactly; if the boy knows, but he says he don't.

Mr. DAVIS. He said he did.

Mr. WASHBURN. Well, why not ask Mr. Rawson, when you have him on the stand? I should say that was a good point; but if you want to prove it, ask Mr. Rawson about it.

The CHAIRMAN. I don't think it is competent to ask the boy; we will get it when Mr. Rawson comes on.

Mr. PRESCOTT. There is this matter of importance about it: if it should appear from the testimony of the boys that they had seen Mr. Rawson in charge, and knew that he was in charge during the absence

of other officers, why, we could ask the boys if they knew of any punishments which Mr. Rawson had inflicted upon the boys while he had charge of the house at a previous time; and I should like to ask this boy whether he knows of any cases besides this of Hector, Sullivan, and Flynn.

WITNESS. No, sir.

Mr. WASHBURN. That is a fair question.

The CHAIRMAN. It don't make any difference. You are excused.

Mr. DAVIS. I will let Mr. Tompkins state this case, as I have stated the other two.

Mr. TOMPKINS. I will state that when that boy was brought up before, we examined him very thoroughly, and we found that that boy bore upon his back very well defined marks of a very severe punishment; the stripes were very well defined, and, if I remember correctly, there was a little clot of blood particularly under some parts of the skin. He was punished about as badly as the Sullivan boy, I think. We all agreed that it was a case of very severe punishment.

JOHN J. DUNN—*Sworn.*

The CHAIRMAN. Now, you need not be afraid to tell us anything; it won't do you any harm; only be sure and tell us the truth.

Q. (By the CHAIRMAN.) How old are you, John?

A. Fifteen.

Q. How long have you been in the institution?

A. Nine months.

Q. Where are you from?

A. Boston.

Q. (By Mr. PRESCOTT.) Have you ever been struck by Officer Bigelow while a member of this school?

A. Yes, sir.

Q. Will you please tell the story in regard to it, just how it occurred, and all about it?

A. I was standing by the side of the steam-coil, and Mr. Bigelow told me to get out of the way.

Q. (By Mr. HYDE.) In what room?

A. In the sleeping-room. Then he told me to stand out in the floor, and I stood out in the floor. Then he went up, and I looked after him, and he said he wasn't going to be eat up by such a little boy as I was.

Q. (By Mr. PRESCOTT.) What where you doing when standing by the steam-coil?

A. Nothing but tying my shoe.

Q. Did you understand what you were struck for?

A. No, sir.

Q. Were you knocked down on the floor?

A. Yes, sir.

Q. What did you do then?

A. I didn't do anything; I stood up again.

Q. Did he strike you after that?

A. He struck me after that.

Q. Did he knock you down again?

A. Yes, sir.

Q. What was done afterwards?

A. I didn't do anything.

Q. You were not taken and punished by him, were you?

A. No, sir.

Q. Well, were you injured in any way when you were thrown down on the floor?

A. It made my head ache all day.

Q. (By Mr. TOMPKINS.) Where did he strike you?

A. Here [under the ear].

Q. There must have been some reason for his striking you. Tell us what it was?

A. I say, he told me to stand out in the floor. He went down, and I looked up, and he struck me.

Q. Did he strike you at any other time?

A. No, sir.

Q. Have you ever known of his striking any other boys?

A. No, sir.

Q. Why didn't you go to the superintendent and tell him about this matter?

A. I didn't know I could go up and see him.

Q. What boys were there at the time and saw Mr. Bigelow strike you?

A. Lombey and Cosgrove, and some other boys I don't remember.

Q. You remember Lombey and Cosgrove?

A. Yes, sir.

Q. Was Burns there?

A. Yes, sir.

Q. Well, was Minnehan?

A. He was fixing his bed.

Q. When Mr. Bigelow struck you, did he have any glove on his hand?

A. I think he did.

Q. You think he did have a glove on his hand?

A. Yes, sir.

Q. Where do you belong now—in the institution, or in one of the trust houses?

A. In the institution.

Q. Have you ever been punished here by being strapped?

A. Yes, sir.

Q. By whom?

A. Mr. Shepard punished me once.

Q. What had you been doing?

A. Swapping chairs with a boy.

Q. You swapped chairs with a boy. Chairs you were at work upon?

A. Yes, sir.

Q. What did he strap you with?

A. With a strap.

Q. What kind of a strap?

A. It was a little, short one.

- Q. Was it a round strap or a flat strap ?
A. A flat strap.
Q. Was it like that light one, or this thick one ?
A. I don't know.
Q. Well, how were you punished ?
A. I took off my pants and my shirt.
Q. He told you to take down your pants ?
A. Yes, sir ; I took down my pants, and he put my shirt up over my head.
Q. Where did he punish you ?
A. Down in the cellar.
Q. On what part of your body ?
A. On my legs.
Q. He did not strike you on your thighs ?
A. No, sir.
Q. About how many blows were you struck ?
A. I do not remember.
Q. Did you carry the marks of it for any length of time ?
A. I carried them for a month.
Q. When was this punishment ?
A. I do not remember.
Q. (By Mr. WASHBURN.) How do you know how long you carried the marks ? Did you see them ?
A. Yes, sir.
Q. How could you see them, if they were where you say they were, right here on the thighs ?
Q. (By Mr. PRESCOTT.) About how long ago was this ?
A. Three or four months ago.
Q. Were you ever punished by anybody else ?
A. Yes, sir ; by Mr. Cummings.
Q. What were you punished for by him ?
A. For whispering.
Q. How were you punished by him ?
A. On the hand.
Q. With what ?
A. With a strap.
Q. Similar to one of these straps ? Was it round, or flat ?
A. Flat.
Q. And probably like that [the light strap] ?
A. Yes, sir ; it was not so long.
Q. Were you punished over the body at all, at that time ?
A. No, sir.
Q. How many blows were given upon the hand ?
A. Five or six ; he did not give me a great many.
Q. Have you been strapped by any other officer here ?
A. Yes, sir.
Q. By whom ?
A. By Mr. Armitage.
Q. How long ago was that ?

A. Seven months ago.

Q. What were you punished for then?

A. I was laughing on the line.

Q. How were you punished at that time?

A. With a rattan upon the hand.

Q. The punishment was not very severe, was it?

A. No, sir.

Q. Were you ever punished by any other officer? You do not think of any, do you?

A. No, sir.

Q. Have you ever been confined in the sweat-box?

A. No, sir.

Q. Have you ever been confined in the lodge?

A. No, sir.

Q. The officers here, generally, have treated you well, have they not?

A. Yes, sir.

Q. (By Mr. DAVIS.) Did you have some trouble down in the yard with Mr. Bigelow about Klines?

A. Yes, sir.

Q. What was that about?

A. I had just come out of the water-closet, and saw Bigelow fooling with Klines, and he kept following him around. Klines told him to keep out of the way and not be following him any longer, when he struck him and then took him down to the lodge.

Q. Mr. Bigelow was following him around?

A. Yes, sir.

Q. And Klines told him not to follow him, and he took him and put him in the lodge?

A. Yes, sir.

Q. (By Mr. DAVIS.) You do not know anything about the cause of his following him, at all?

A. No, sir.

Q. Do you know anything about the riot that winter?

A. I heard some one say it was because Mr. Bigelow was too mean.

Q. (By Mr. TRAIN.) What was that?

A. Because Mr. Bigelow was too mean.

Q. (By Mr. HYDE.) To whom?

A. To the boys in the yard.

Q. (By Dr. LOWE.) Didn't the boys like Mr. Bigelow?

A. No, sir.

Q. Why not?

A. He was too strict with them.

Q. He didn't punish them unless they deserved it, did he?

A. He didn't take any fooling, like the other officers.

Q. (By Mr. DAVIS.) When he punished here, they deserved it. At the time he knocked you down, didn't you deserve it?

A. I don't know as I did.

Q. (By Dr. LOWE.) You ought to know.

A. I was standing up, and the first thing I knew he knocked me down

Q. (By Mr. TRAIN.) Do you think he knocked you down for the fun of it?

A. No, sir.

Q. What did he knock you down for?

A. I don't know. He went up that way, and I looked after him, and he said he was not going to be eat up by a little boy like me.

Q. Didn't you say something as he went up?

A. No, sir.

Q. (By Dr. LOWE.) Doesn't he speak kindly to the boys?

A. Sometimes.

Q. (By Mr. TOMPKINS.) Did you look after him like this [making a face]? Did you make faces at him?

A. No, sir.

Mr. DAVIS. There are a great many questions that might be asked of this witness, but I have been all over it myself on the sub-committee.

Mr. HYDE. These are the main facts.

Mr. WASHBURN. You can judge whether it is worth while. If you think it is, go on.

Mr. PRESCOTT. Ask him if he has seen boys punished.

Q. (By Mr. DAVIS.) Have you seen boys punished who have shown marks of severe punishment?

A. Yes, sir.

Q. Who?

A. Callahan and Coughlin.

Dr. LOWE. I was one of the sub-committee here the last time to ascertain the cause of the riot. I don't think any testimony of that kind would be germane to this subject particularly, would it?

Mr. WASHBURN. No, except if anybody wants to ask some questions which would throw light upon the testimony.

Mr. DAVIS. I would suggest that anything that affects discipline is proper to be put in.

Mr. WASHBURN. Let anybody ask any question he wishes to. In fact, it seems to me clear, that anything we propose to talk about, by and by, should be brought out in this way. When the sub-committee were here, there was nobody here, as at this moment, in the person of Mr. Hyde, to cross-examine the witnesses, or to aid the Committee by his suggestions. Any matter that is to be relied upon in summing up this case, ought to be brought out, so that Mr. Hyde can have an opportunity to cross-examine. So, Captain Davis, you go on, and if anybody objects, we will see about it.

Mr. DAVIS. I would like to have Dr. Lowe go on.

Dr. LOWE. It might be proper to state, in this connection, as we are making a record of these facts, that everybody, I believe, without exception, who was called, whether we called them of our own accord or whether they were presented to us by the officers of the institution, testified that the dislike for Mr. Bigelow was the chief cause of the riot.

Mr. HYDE. If they made that statement, I do not think it is of any use to repeat it.

Mr. DAVIS. I do not, if you admit the fact.

Mr. HYDE. No, I say that is what the boys say.

Mr. PRESCOTT. Well, the last question asked directly of the boy was what seems to me germane to the subject. That question was this: Whether he had seen any boys here in the institution that had shown marks of severe punishment? He gave Callahan and Coughlin.

Q. (By Mr. PRESCOTT.) Now, do you think of any others?

A. Clark, Miller, Ludden, and Manning.

Q. Now, let me ask this question. Have you ever seen any boys who have come from the sweat-box that have shown any particular effects of their confinement in the box?

A. Not that I know of?

Q. (By Mr. HYDE.) Now, at the time Col. Shepard punished you, you were in the shop?

A. Yes, sir.

Q. A lady had charge of the shop?

A. Yes, sir.

Q. Who was that lady?

A. Miss Danforth.

Q. She reported you to Col. Shepard, for misconduct?

A. Yes, sir.

Q. What was your misconduct?

A. Swapping chairs.

Q. Anything else?

A. No, sir.

Q. Then she reported you to Col. Shepard and he punished you?

A. Yes, sir.

Q. Did you swap chairs?

A. Yes, sir.

Q. Did you acknowledge it at the time?

A. Yes, sir.

Q. And you knew it was wrong to do it?

A. Yes, sir.

Q. Did you get more punishment than you thought you deserved?

A. No, sir.

Q. Did you ever receive any more punishment than you thought you deserved?

A. No, sir.

The CHAIRMAN. You are excused.

Mr. DAVIS. Is Mr. Kelly here?

Mr. HYDE. We have sent for him.

The CHAIRMAN. I want to make a suggestion. I think the gentlemen here connected with the press would like to go over the institution, before they go back, and if we stop at a quarter of twelve,—it is now twenty minutes past eleven,—they will have time to go over the institution, and we shall probably get around then, in an hour, ready for our dinner, occupying about half an hour, and we shall accomplish the whole thing within an hour and a quarter. At twelve o'clock the boys will be going to their dinner, and it will be a good time to see them at that time.

Mr. HYDE. Then we can go right on after dinner.

The CHAIRMAN. If you so understand it, we will stop at a quarter of twelve.

Mr. DAVIS. Is it necessary that we should give up the time so that the Committee cannot proceed? Really, I hope we shall be very diligent about this matter.

The CHAIRMAN. I hardly think these gentlemen would like to go away from here without seeing the institution. We will have it understood that we will adjourn at a quarter of twelve.

LOUIS A. OTIS—*Sworn.*

Q. (By the CHAIRMAN.) How old are you?

A. Seventeen, the 10th of last November.

Q. How long have you been in the institution?

A. Since the eighth day of June, 1875.

Q. Where were you from?

A. The city of Boston.

Q. In what part of the institution are you now in?

A. In what is known as the front part.

Q. In what kind of work are you engaged?

A. Housework. I have charge of the officers' dining-room.

Q. (By Mr. DAVIS.) What is that badge you have on?

A. It represents the "tried and true" class, sir.

Q. What does it mean?

A. It means that the class is a class tried and found true.

Q. Then you are considered one of the best boys in the school?

A. Yes, sir.

Q. Were you here at the time of the riot?

A. I was.

Q. Were you in the room at the time it commenced?

A. No, sir.

Q. Do you know anything yourself about the cause of the riot?

A. No, sir; except what was told me by Mr. Wheatley.

Q. What did Mr. Wheatley tell you?

A. On the night of the riot, I was standing in the gymnasium; part of the time I was holding the hose that was being played in at the window to stop the boys firing things at the officers. I asked Mr. Wheatley what was the cause of the riot, and he said Mr. Bigelow punished Collins. That is as nearly as I can recollect it; that is what I know about the riot. Since then,—since the last time I was before the Committee, which was the first time,—I inquired in the yard whether it was an organized plan or not. Some say it was an organized plan, and others say it was not.

Q. Mr. Wheatley told you that Mr. Bigelow's striking the boy was what caused the riot?

A. Yes, sir.

Q. What is Mr. Wheatley's position here?

A. The first school-teacher, and the senior officer of the yard.

Q. And he told you this in conversation?

A. Yes, sir.

Q. Did Mr. Wheatley ever punish you?

A. Yes, sir.

Q. Did Mr. Bigelow ever punish you?

A. No, sir.

Q. Mr. Wheatley has punished you?

A. Yes, sir.

Q. How many times?

A. Twice.

Q. How did he punish you?

A. With the strap.

Q. In what way?

A. Across the legs and on the hands.

Q. Bare?

A. No, sir.

Q. Have you ever been in the sweat-box?

A. No, sir.

Q. Did you see this Committee before?

A. I did, sir.

Q. Did you say anything like this: that Mr. Wheatley told you that Mr. Bigelow had punished Collins unfairly, and that was the cause of the riot?

A. No, sir; I do not believe I stated unfairly. If I did that, I was mistaken, because he did not say unfairly.

Q. You did not say that Mr. Wheatley told you that Mr. Bigelow punished Collins unfairly?

A. No, sir; he said that he punished him. Since then I have inquired among the boys, and the boys say Mr. Bigelow struck Collins with his fist.

Q. (By Dr. LOWE.) You stated to us before, that the boys said there never will be peace in the yard so long as Mr. Bigelow is here?

A. Yes, sir.

Q. And you also stated that he was not liked when he was in the institution before.

A. Yes, sir.

Q. (By the CHAIRMAN.) That is what the boys told you?

A. Yes, sir.

Q. You have always been treated well here, have you?

A. Yes, sir; as kindly as my conduct permitted.

Q. You are now captain of a military company, are you?

A. Yes, sir.

Q. Has any officer at any time treated you other than kindly?

A. No, sir.

Q. (By Dr. LOWE.) You stated that the boys did not intend to go so far in the riot, but got into it, out of spite to Mr. Bigelow, and thought they would keep it up.

A. Yes, sir; that is what I think. I think, if it had been an organized plan, the boys would not have gone out of school. As it was, after the light was put out, instead of staying in the school-room, he went down into the sleeping hall and laid on one of the beds. If it had been an organized plan he would have stayed there and got out if he could.

Q. (By Mr. PRESCOTT.) Otis, have you ever seen boys here connected with the institution who seemed to have been very severely punished?

A. I cannot say I know of any. I have heard boys say so, but I have not seen them, and cannot say.

Q. You have never seen boys who have carried any particular marks of severe punishment, have you?

A. No, sir.

Q. Have you ever seen any boys after they have come from the sweat-box who showed any particular effects from their confinement in the box?

A. At one time, one hot summer day, a boy by the name of Elmer Lutz was in the sweat-box for an hour, I think. When he came out he was sweating, as the name of the box implies.

Q. Did you see the boy?

A. I did.

Q. How much did he sweat?

A. Well, his clothes were wet under the arm-pits.

Q. Was his face covered with perspiration?

A. Yes, sir; it was quite red.

Q. What was that called, that box, as far as you know?

A. They call it the sweat-box.

Q. Have you ever seen any other boy after he had been confined in the box?

A. No, sir.

Q. Well, from your best judgment, and your communication with the boys, which mode of punishment do you think the boys dread the most, — the punishment by the strap, or the punishment by confinement in the sweat-box?

A. I do not know, sir. Some of the boys seem to think it is a hard thing to get struck with a strap, and some think it is a hard thing to be put in the sweat-box.

Q. There is a difference of opinion?

A. Yes, sir.

Q. Do the officers carry straps about with them?

A. No, sir. I think they keep them in their rooms.

Q. Well, there are two straps lying upon the table. You have seen these officers' straps, have you?

A. Yes, sir.

Q. Have you seen straps of both kinds?

A. No, sir; I have only had experience with that, or one like that [the lighter strap].

Q. You mean experience on your own person. Have you ever seen officers that have carried a heavier strap than that?

A. No, sir; I have not.

Q. Have you ever seen officers use a round tug or check-rein?

A. No, sir. I have heard the boys say they carried it.

Q. You don't know about it yourself?

A. No, sir.

Q. You think, from what intercourse you had with the boys, that Mr. Bigelow is a very unpopular man with them?

A. Yes, sir.

Q. You think the boys consider him very unpopular?

A. Yes, sir.

The CHAIRMAN. Suppose you ask him what he means by unpopular?

Q. (By Mr. PRESCOTT.) What do you mean?

A. He was at the school a number of years ago, and the boys of the school thought he was a hard officer, and when he came again, the boys seemed to think he was a hard man, but I never heard any particular reason why. He came to the school after I had been at the school quite a while. There was quite a while that Watson and other boys were striking at the senior officer of the yard, Mr. Wheatley; and one day, to save Mr. Wheatley from getting a stab, he struck the boy Watson with a chair. That is the first time I know of anything he did that was unfair towards the boys.

Q. (By Mr. DAVIS.) Did you see that?

A. No, sir; it was told me first by Mr. Wheatley.

Q. Mr. Wheatley explained to the school?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Did you know the boy Gartland that was here?

A. Yes, sir; I did.

Q. Do you know anything about his punishment?

A. No, sir; I do not.

Q. Do you know of any boy that does; any particular boy that knows of his own knowledge?

A. I do not, sir. I should think some of the third class boys would know. I have heard from them what it was; that is all.

Q. Do you think of any boys, by name, who could tell us about Gartland?

A. I think John Reardon was in the school at that time.

Q. (By Mr. TRAIN.) Mr. Otis, I want to ask you, now, sir, if you do not think you have been benefited; that is, if it has not improved you in coming here and being subject to the discipline of the institution?

A. It has, sir.

Q. (By Mr. DAVIS.) Were you ever whipped before you came here?

A. No, sir.

Q. You think, if you had been whipped before you came here—

The CHAIRMAN. We have agreed we should not say anything about the previous character of the boys.

Mr. DAVIS. I am very glad to be stopped if I am off the track.

The CHAIRMAN. That is precisely the fact, that the previous character of a boy is not to be brought up here or anywhere else.

Q. (By Mr. WASHBURN.) Do I understand you that your experience has been that you have every time been punished as the exigency required, and that you have been greatly improved and have got into the "tried and true" class, where you are now?

A. Yes, sir.

Q. You take pride in your present position, modestly of course; but you think you have won it by a steady course of improvement?

A. Yes, sir.

Q. And you mean to retain your present relation to the school? That is to say, you mean to continue one of the best boys in the school, and be entitled to wear your badge?

A. Yes, sir.

Q. If you were to do something now in disobedience to the rules, you would lose that badge, would you not?

A. Yes, sir.

Q. It is your great pride, now,—I think I see it in your bearing,—to wear that badge?

A. Yes, sir.

Q. From whom did you receive your commission as captain of the military company?

A. From Colonel Shepherd.

Q. He appoints the officers of the company, does he?

A. Yes, sir.

The CHAIRMAN. We are all very glad to see and to know you are doing so well, and hope you will continue to do so.

Col. SHEPHERD. Otis, won't you please tell the Committee what efforts have been made to elevate the boys in the school?

The CHAIRMAN. You may go on and tell what has been done to make the boys better.

WITNESS. When I came into the yard with the boys, before Colonel Shepherd came to the school, the boys of the school did not have clothing sufficient to keep them warm. They had two slices of bread for breakfast, one for dinner, with meat or potatoes, if we had it, and two slices for supper. When Col. Shepherd came to the school, he had the clothes repaired in such a manner as to keep the boys warm; as I can remember, myself, the clothes, the first winter I came here, were not as thick as the summer clothes which he provided; they were thin clothes lined, and the clothing we have is such as I have on now, which is of the same color, is made in suits, and they are a great deal warmer than the suits we used to have. Now a boy can have all the food he wants. In the dining-room, now, every boy has a tray of bread, and he can have as much as he wants by sending his tray to the second officer of the dining-room. If he thinks no bread has been wasted, he will let him have some; but in some cases, the boys think they can take out the fresh bread, and put the stale bread out of the way. If any boy does that, he cannot get any more bread; and in some cases the officers are smart enough for the boys, and make them eat the old bread first.

Q. Is the old bread good?

A. Yes, sir; but some of the boys think that they would rather have new.

Q. (By Mr. PRESCOTT.) I should think as good a boy as you ought to be in the trust house?

A. The "tried and true" is one grade higher than the trust house.

Q. You are allowed certain privileges?

A. Yes, sir.

Q. (By the CHAIRMAN.) You go up to the village?

A. Yes, sir; I went to the village last evening after Mr. Wood, and have been to the village on various other occasions unattended by any officer of the school; and if Col. Shepherd sees fit on Saturday afternoons, the "tried and true" is allowed to go out on their honor, and there has not been a case since I have been a member of it where a boy has run away; they have always come back.

Q. (By Mr. TOMPKINS.) What other organizations do you have besides the military company and the "tried and true"?

A. There is a fire company, composed of the strong boys, a Bible class, a singing class, and a band of hope. The "tried and true" are all boys of 16 years old and upwards; the "band of hope" is composed of boys of 15 and under. The "band of hope" have a different badge; it is four-cornered, and has "Band of Hope" and an anchor cut in it. The Bible class is what its name designates, and is composed of boys who wish to lead a better life; and they have weekly meetings in the watchman's office. If Col. Shepherd thinks they ought to be held, they hold Bible readings. The "tried and true" have meetings for the purpose of acquiring skill in the practice of parliamentary laws, and how to conduct different meetings. The "tried and true" at the present time is still going along, getting better and better.

Q. (By the CHAIRMAN.) How many boys in the "tried and true"?

A. I believe the number is 17. We had 16 until our last meeting; then the "tried and true" elected another boy. It requires a unanimous vote to elect, one black-ball being sufficient to reject any person who makes application. There are five or six grades from the grade of disgrace to the grades of trust and honor. A boy must be of the trust grade to get into the "tried and true," if he gets into it.

Q. (By Mr. PRESCOTT.) Do I understand the boys themselves have a right to elect the "tried and true," subject to the approval of the trustees?

A. The "tried and true" hold meetings, pass votes entirely upon a constitution and parliamentary laws, and, if there is anything we do not agree upon, it is referred to the superintendent.

Q. No; but the point I want to get at is—you say there are only 17 members, which you by a unanimous vote have allowed to become members of the "tried and true"?

A. Yes, sir.

Q. Does not a person elected have to be approved by the officers or trustees of the institution?

A. He must come out of the band of hope, you see, and not out of any boys in the yard but the trust grade. We have an executive committee of three, the chairman of which is the vice-president. The officers and trustees see the boys when they are under restraint, whereas the executive committee in the yard, playing with them all the time, have a better chance of deciding whether a boy should be admitted to the tried and true. A boy who joins the tried and true, signs a pledge that he will not steal, will not lie, will not swear, will not use tobacco, will not use intoxicating liquors, will not abuse any privileges that may be extended

to him, and will use his influence to induce others to observe these rules. Any member who violates any one of these rules is liable to expulsion. One charge is sufficient to expel a boy, no matter how slight it may be, if it is nothing more than whispering in the line.

Q. (By Mr. GILBERT.) It is almost impossible for a boy to get into his organization?

A. Yes, sir; he has to get 17 white balls?

Q. (By the CHAIRMAN.) It is controlled by the boys themselves?

A. Yes, sir.

Q. (By Mr. WASHBURN.) It is a voluntary association for mutual support in well-doing?

A. Yes, sir; the object of the class is for the personal welfare and elevation of its members.

Q. (By Dr. HARVEY.) You do expel members sometimes?

A. Yes, sir.

Q. Do the officers come in and hear you talk?

A. Yes, sir; I believe we had Dr. Harvey in there a short time since.

Q. (By Mr. PRESCOTT.) You are going out in a few days?

A. Yes, sir.

Q. Where are you going?

A. To Boston.

Q. Have you any place there?

A. No, sir; but I can find work, I guess.

Q. What do you expect to do, when you get there?

A. I shall take, sir, in anything I can get to do, no matter what the work is, until I can study for something else.

Mr. HYDE. The only thing I know against this boy is, that he told me that he was going to be a lawyer.

Mr. PRESCOTT. I should hope he would not study law.

Q. (By Mr. PRESCOTT.) Now, you are what is called a hall-boy?

A. No, sir; the hall-boys have charge of the sleeping-hall, and I have charge of the front room.

Q. (By Dr. HARVEY.) I would like to ask you about entertainments. Does the superintendent give entertainments for the gratification of the boys?

A. Yes, sir.

Q. (By Mr. HYDE.) Tell us about it; I believe you have one to-night?

A. Yes, sir, we have one to-night, and we should be very happy to see you present. We have a play to-night, which will be given for the first time by the assistant superintendent, Mr. Scott, assisted by his friend Mr. Shelley, and some one else, I do not remember the name. The boys gave an entertainment on Wednesday evening, in which I took part, and last week Friday, or a week ago last week Friday, there was a gentleman here from Newton, Mr. Hayden, I think. He was attended by his friend, Mr. Kimball, and they both gave us some select readings, comic, serio-comic and sentimental, and we passed the night very happily, until half-past eight or nine o'clock.

Q. (By Dr. HARVEY.) Does the superintendent get lecturers to talk and lecture to you, and give you instruction on various subjects?

A. Yes, sir; he has, on two or three occasions.

Q. Do you think these things are more frequent now than formerly; I mean for the last two or three years?

A. I think we have fully as many now as before.

Q. (By Mr. HYDE.) What are you going to give us to-night?

A. This evening there is to be a drama entitled, "A Hundred Years," and it is to be entirely by the boys. There is to be some music furnished by Mr. Hartshorn, a professor who teaches the boys, and then there will be a farce entitled, "The Officers' Squad," and another entitled, "Black Joe."

The CHAIRMAN. We are very glad, indeed, to see you, and to hear so good a report from you. You have certainly made a good impression upon all of us.

The Committee then took a recess for an inspection of the institution, and for dinner.

Mr. HYDE. Mr. Chairman: The chairman of the trustees, Mr. Hubbard, wishes to present a communication to the Committee, and would like to present it at this time.

The CHAIRMAN. We will now hear from the Chairman of the Board of Trustees.

Mr. HUBBARD. [Reading.]

Mr. Chairman and Gentlemen:—At a meeting of the trustees of the State Reform School, held April 10, 1877, a committee was chosen to make the following statements and recommendations to your honorable Committee:—

This institution was established for the reformation of juvenile offenders, and immediately found a warm friend and generous patron in Hon. Theodore Lyman of Brookline. He gave to it not only a sum exceeding \$72,000, but his best thought and most careful study. His idea was that not over 200 boys should be placed in one institution; that the age of commitment should not exceed 14; that a very bad boy should not be sent to the school even though under that age, and that the trustees should be allowed to send to the house of correction a boy found to be incorrigible. But buildings were erected for 300 boys, and the maximum age of commitment was fixed at 16. The institution soon became crowded, and in 1853 the building was so enlarged as to accommodate nearly twice the original number. This was an entire departure from the ideas at first entertained. Six years later, a large part of the building was burned, and the opportunity furnished for changes suggested by the ten years of experience and for a return to the ideas of the liberal patron, Gen. Lyman.

The trustees were, therefore, authorized to so arrange the part spared by the fire as to accommodate 200 boys; were required to divide the boys into classes, and keep the classes separate; and to make one class a correctional class, for which a nautical branch, popularly known as the school ship, was provided. The trustees were also authorized to build trust houses for families of boys not exceeding 30 in a family; and in 1864 the Legislature fixed the minimum age of commitment at 7, the maximum at 18, and determined that boys between 7 and 12 years of age should be sent to Westborough, those between 14 and 18 to the school ship, and those between 12 and 14 to either, at the discretion of the court.

Thus the school at Westborough was brought back to its original design,—the reformation of the younger and less vicious boys, those who were not so much criminals as tending toward crime. But in 1869 the Visiting Agency was established, whose duty it was, in part at least, to

find places for this class of boys in families without their coming to Westborough, or as soon as possible thereafter; and later, to recommend that the same class be sent to the Primary School at Monson. In 1872 the remaining schoolship was sold and the boys on board transferred to Westborough, and thus the better class was taken away, the worse class sent in, and the maximum age of commitment carried up from 12 or 14 to 17. Without any means of classifying, save that furnished by the trust houses, we are obliged to receive these young men and to detain them during their minority, unless they so reform that we can conscientiously recommend their release. While it is comparatively easy to find places in the community for the better class, it is difficult for the other, and the result is, that there comes to be an accumulation of the worse element, and the school takes on more the character of a penal institution. If a boy has been at the school from the age of 14 or 15 to 18 without reforming, there is little ground for hope afterwards, and there is a moral certainty that he will do more injury to others than he will receive benefit. Fearing this, at first we objected respectfully but firmly to the reception of this class of young men. After the trial of a year, and finding our worst fears more than realized, we asked for their removal, and renewed our request the following year.

We felt, also, that both as a means of reformation while here, and of a livelihood after release, the boys should be taught some trade, or at least become familiar with the use of tools, and by the enlargement such opportunities will be furnished.

The experience the past winter and the recent investigation confirm us in the views entertained at the time the changes were made, and we therefore respectfully, but earnestly, recommend such legislation as will make the maximum age of commitment 15, and the limit of sentence at the age of 18.

We will only add that, at the meeting of the trustees held January 5th, before the outbreak of January 12th, committees were appointed to consider the matter of punishments at the institution and to revise the by-laws, and those committees were to report at the April meeting. At that meeting, however, the committees, awaiting the action of the Legislature, asked for further time, and will, after such action, make their reports to a special meeting, that the views of the Legislature may at once find expression in the regulations and by-laws of the institution.

Respectfully submitted,

E. A. HUBBARD,

J. B. SWETT,

W. H. BALDWIN,

Committee of the Trustees.

WESTBOROUGH, April 11, 1877.

That is all, Mr. Chairman, that we present in a written report. If I may say a word further, I would say that this is no new thought to us, as will appear to any gentleman, if he looks at the reports for the last three years and a half. I have in my hands the report for 1874, and, if I may occupy a few minutes, I will read a little from it.

The CHAIRMAN. Certainly, sir.

Mr. HUBBARD [reading] :—

“ In the report for 1873, we set forth, in as strong language as we could command, but not stronger than the facts would warrant, the difficulties under which the institution labors from the close contact of the worse with the better class of boys, and the impossibility, under the existing circumstances, of such a separation and classification of the boys as would most tend to promote their reformation. We also stated that it was very desirable that the older boys should be taught some trade, or at least become familiar with the use of tools, in order that

there might be some reasonable hope that, after leaving the institution, they would have means of making an honest living, and so be less liable to commit crime. The experience and observation of the past year have confirmed us in the opinions then expressed; and, as we cannot now better state our convictions, we will quote briefly from that report: 'Situating as we are, we cannot apply the principle of sequestration recommended, nor can we avail ourselves of its benefits. Instead of surrounding the "unsound by the sound," we are obliged to surround the comparatively sound by the unsound; instead of "the vicious by the virtuous," we must keep the comparatively virtuous under the influence of the vicious, and the effect is deplorable. Fearing this at first, we objected to the reception of this worst class of boys; knowing it now, we urge their removal,' or that the means of classifying them be afforded us.

"With reference to the subject of teaching the boys trades, while not claiming that it would be of pecuniary advantage to the State, we said, 'If not sooner allowed to go out upon probation, the boys will go by limitation of their sentence, at their majority, and if they have no trade, no knowledge of tools, and no facility in the use of them, they will have but small means of acquiring a livelihood. Farmers are afraid of such, and will not employ them. They are too old and too indocile to learn trades, and there is no path to an honest living open to them but that of the day-laborer. But the men who stand at the corners of our streets, with shovel or pick or saw-horse in hand, "waiting for a job," are not young men from twenty-one to twenty-five years of age, but old men; and when these young men go out into the world, unless their standard of morals is higher than those who say, "we must live," or much higher than those who say, "the world owes me a living," the danger is—the almost certainty is—that they will try to "live," or to secure their dues by dishonest means, and so find their way to the house of correction, or to the state prison. But if it can help them to a better start in life, can give promise of a more successful struggle with poverty and discouragement, and especially if it can, to some extent, free the other class from bad influences, and bar the by-way to evil, whither their feet tend, and increase the chances that they will be saved to themselves and to society, then will the State secure results worthy the investment, and incomparably more valuable than stock or cash dividends.'"

What we say in our last report bearing upon this same matter of trades, or giving them some means of a livelihood, is as follows [reads]:—

"The new part has two large school-rooms, sleeping halls and a dining-room for about two hundred, workshops, cells for solitary confinement, a hospital, and rooms for the officers. It is intended to teach the boys trades. The only employment now, except making their shoes and clothes, and assisting in the work of the institution, is seating chairs, and chair-seating is not a trade. It is employment; and so would carrying rocks from one side of the yard to the other and then back again be employment, but there would be no element of reform in it. As a punishment it might be of some advantage, but not as employment. To make employment help to reform a boy it must be useful, and if in addition to that he can feel a personal interest in the thing made, there is great gain. If a boy can look upon a sleigh or carriage, a machine or engine, upon anything useful or beautiful, and say, 'I made it,' the idea of personal relationship begets a feeling of personal interest, and the boy is lifted up in the scale of being. Hence we would teach trades, both as a means of reformation here, and of an honest livelihood when the boys are discharged."

I will only say that it has seemed to us, as these reports would indicate ever since the change was made by which this worst class was sent here, as though we were laboring under very unfavorable circumstances

to save these boys, and that this change pulls down faster than we can possibly build it up; and so, as the result of our convictions for all these years, we ask this legislation by which these boys who have been with us three or four years, without reforming, may be taken away, and we may not be compelled to detain them here simply for the purpose of education, because there is very little hope of their reformation by such detention.

Q. (By Mr. HYDE.) How long have you been connected with the board?

A. Eight years; I was appointed first eight years ago in February.

Q. The school-ship boys were not here then?

A. No, sir.

Q. They came here afterwards?

A. Yes, sir.

Q. Now, state whether or not the bringing in of that class of boys has increased the necessity of discipline in the school?

A. Yes, sir; I think it has.

Q. It has made it necessary?

A. Yes, sir; that has been recognized in our reports, as the character of the boys became different by their increased age.

Q. Now, suppose a hundred boys come here in a year; a certain proportion of these, the better class of boys, leave the institution sooner or later without waiting to arrive at their majority?

A. Yes, sir.

Q. They go out upon farms or return to their friends, and then the worst element remains until they reach their majority, because you cannot dispose of them otherwise.

A. Yes, sir.

Q. Speaking of teaching the boys trades, take these oldest and worst boys, say from 18 to 21, could you put into their hands, and still maintain discipline, all kinds of tools, without a great deal of care?

A. I think it would be dangerous to put all kinds of tools into their hands without a great deal of care. If we should establish blacksmiths' shops, the gratings could hardly stand the use of the sledges; and, I think, very likely, we should be obliged to put a high board fence around the outside of the shops, so they could not get over this fence.

Q. Supposing you had here boys who would leave the school at 18, taking all that you have seen of boys since you have been here, are there several trades you could try to teach them?

A. I think we could teach them several trades.

Q. Trades such as boys up to that age could acquire?

A. Yes, sir; I think we might teach them some trades by which they would become so familiar with the use of tools that they would be serviceable at various other trades when they went out.

Q. Now, as to the spirit of insubordination; among which class of boys is that more especially prevalent?

A. So far as I know, it is decidedly more prevalent among the older boys and those who have been longer here.

Q. That is, the best boys have been taken out?

A. Yes, sir.

Q. Now, take the institution as a whole; take the boys that do reform and are better, what is the effect of the institution upon that class of boys?

A. I think the influence is good upon that class of boys which is sent away, and many of those that have gone out in the past few years are comparatively good boys; but I think that the influence upon the other class of boys tends directly in the other direction.

Q. (By Mr. TRAIN.) Just one question to satisfy my own mind. When you speak of the other class of boys, you do not refer to the school-ship boys?

A. Not necessarily, sir.

Q. You refer to that class of boys that form the worst class?

A. We not only received the school-ship boys here, but we receive from the courts now the same class of boys that they received there. The maximum age of commitment to the institution when the school-ship was in existence was at the highest from 12 to 14 years, and then it was carried up from 12 to 14, to 17 years with the abolition of the school ship.

Q. (By Mr. DAVIS.) What was the age of the boys sent to the school ship?

A. Boys from 14 to 18 were sent to the school ship.

Q. Now you do not have the class of boys that would have been sent to the school ship?

A. Yes, sir.

Q. You cannot send a boy here over 17, and you could send them to the school ship at 18?

A. There is one year's difference, but we have three years of the same age.

Q. But not the extreme?

A. No, sir.

The CHAIRMAN. I would like to suggest to Mr. Hyde that we cannot very well continue a prolonged examination of the trustees this afternoon.

Mr. ALLEN. I have three or four questions in relation to the discipline.

Mr. HYDE. If you will allow me a word just at this moment, I think this question comes up; we have been now practically two weeks upon this examination, and I do not know how much time the Committee have to continue it. As far as I am personally concerned, my time with this institution is limited after this week. After this week I do not see as I can give it any time or attention. We have looked over the ground to see where we could shorten anything here. It has seemed to me it is hardly worth your while to have all these men say what one man says, when they are all agreed upon it; for this report is the unanimous expression of their opinion. The trustees cannot do any more than to come in and make the same statements as to their opinion of the character of the boys and the changes to be made, which have been briefly expressed by Mr. Hubbard, the chairman of the board. When they have finished, we shall have finished, as far as the institution is concerned; I suppose, so far as the institution is concerned, with the exception of Col. Shepherd; and we shall

not intend to call any one else unless the Committee desire it. Then there are two or three other gentlemen I would like to call, from their peculiar fitness or knowledge of these things; and then, as far as we have anything to say, we are through. But on Monday I am going away and shall not be back until, I trust, you gentlemen will have this question all settled, both by the Committee and in the Legislature. Therefore, unless the Committee call for them, we shall not produce the trustees again. Of course they will come again, but I have no further questions to ask now or then.

The CHAIRMAN. I think the Committee would like to be sure this afternoon of having the testimony of such boys as some members of the Committee would like to call and also the testimony of Mr. Rawson.

Mr. HYDE. All right; I will see that they are here.

The CHAIRMAN. On Friday the Committee will meet, and I should think at that time we ought to be ready to take up the examination of Colonel Shepherd. I should hope that we would be able to hold a meeting on Saturday, and then finish up with Colonel Shepherd, if the hearing is prolonged to that day, and the other gentlemen you refer to. That would be about what I should hope to accomplish within this week. If you will proceed now, Mr. Allen.

Mr. ALLEN. I will be very brief.

Q. (By Mr. ALLEN.) Mr. Hubbard, have you ever examined the sweat-box used on these premises as a means of punishment?

A. I have been in it, sir.

Q. When?

A. A few weeks ago; I should think week before last. I went to see it when it was first introduced, two years ago.

Q. Is that used with your consent and advice?

A. I do not know that I can say it was used with my advice, but it was used with my consent.

Q. Do you approve of the superintendent, the assistant superintendent, all the teachers, all the officers, and the overseers having the right to put a boy in that box for a period of 10, 12, or 15 hours, without food, and having no record made of it, at their own pleasure?

A. No, sir; I would approve of any of these officers that you name having the privilege of putting a boy there and reporting at once to the superintendent.

Q. Are you aware of the fact that for the last two years all these persons have been accustomed to use it; confine boys there from six hours to six days without reporting it at all?

A. I was not aware of that, sir.

Q. Do you think, Mr. Hubbard, that that box, which is 6 feet and 10 inches high and 10 inches deep, its bottom width being 14 inches, and its top width 17 inches, having no means for breathing except three slats an inch wide and 12 inches long, being half-closed at the top, is a suitable punishment for a boy?

A. It never occurred to me, sir, that there would be any lack of air for breathing.

Q. Have you been informed that boys being released from that have fallen from weakness or faintness many times?

A. No, sir.

Q. Sometimes?

A. I heard it only as it was reported before the Committee, and then I understood that it was not corroborated; but, still, if it is in testimony, I did not know about it.

Q. Did you ever know, until this investigation commenced, that boys in this institution had been confined there from early in the morning until late at night without food?

A. No, sir; I did not.

The CHAIRMAN. You are asking whether he knew this. Do we know of any such fact?

Mr. ALLEN. I understood the officers all to state that they were confined there from breakfast-time till supper-time without any food.

The CHAIRMAN. If I remember right, the testimony is they have been taken out, without exception, at noon, but not always given their meal.

Mr. HUBBARD. I think that is the order upon the door.

Mr. ALLEN. What is the order?

Mr. HUBBARD. That they shall be taken out at noon.

Mr. HYDE. They were always taken out at night?

Mr. ALLEN. Yes, sir.

Q. (By Mr. ALLEN.) Do you know of a state prison in the Northern States where that punishment is used?

A. I do not, sir.

Mr. WASHBURN. Has he any familiarity with the state prison?

Mr. HYDE. He said he didn't.

Q. Did you ever hear of such a form of punishment in any state prison?

A. I do not know, sir, that I ever did; I have heard of something with which this has been compared in some other places.

Q. Do you not know that this punishment was abolished in the United States navy more than ten years ago?

A. I did not know that, sir—not in this form.

Mr. HYDE. I was not aware of it.

Mr. ALLEN. Yes, sir; it was formerly used in the navy, and was abolished as being cruel.

Mr. WASHBURN. What was it, the use of the sweat-box?

Mr. ALLEN. Yes, sir; not nearly as bad as this.

Mr. HYDE. Very much worse, sir. We will put in evidence, if you want to know what it is.

Mr. TOMPKINS [to Mr. Allen]. Did you ever see a sweat-box in your life?

Mr. ALLEN. I think I have.

The CHAIRMAN. I think I ought to object to your manner of questioning. You ask the chairman of the trustees whether he knew or thought it was proper for boys to be put in that box, and kept there without food six days, and no report of it made. Your question would signify that

that had been done. Now, there has been no testimony of that kind before this Committee, that I am aware of.

Q. (By Mr. ALLEN.) I do not understand you; do you justify putting a boy in that sweat-box in the morning and keeping him there till night without food, he being taken out at noon?

A. That would depend upon the occasion for putting him there, and the state of mind of the boy while he was there.

Q. I understand you to say that you still think it is a proper punishment for the boys of this institution?

A. I do not think it is improper.

Q. You do not propose to change or abolish it?

A. I do not; no, sir.

Q. Do you think, Mr. Hubbard, it is a proper punishment for young men, from 19 to 20 years of age, to remove their trousers, expose their persons to the waist, and flog them upon their naked persons with a heavy strap, such as you see before you?

A. No, sir; it is a punishment we would not—or I would not—favor, and it is only the condition of things that has been forced upon us, that has rendered it necessary.

The CHAIRMAN. Suppose you ask him whether, under the circumstances, he thinks favorably of the punishment?

Mr. ALLEN. Perhaps, Mr. Chairman, you had better allow me to ask questions which to me seem proper, unless you object.

The CHAIRMAN. I do object to them, and to the way in which you put several of your questions.

Mr. ALLEN. I will wait on any question that is objected to until it can be heard then.

Q. (By Mr. ALLEN.) Do you know that boys in this institution, or young men from the ages of 17 above that to 20, have been so strapped and flogged, within the last two years?

A. Not from any personal knowledge.

Q. Have you been so informed?

A. I have been informed that young men have had their pantaloons taken down, and have been strapped with a strap applied to the legs.

Q. And buttocks?

A. Yes, sir.

Q. Has that met your approval?

A. Not as an abstract question; but, under certain circumstances, I should say it would meet my approval. We are obliged in some way to maintain the discipline of the institution.

Q. Do you approve of having boys from the ages of 19 to 20, for the offence of whispering, stripped up to the waist, so as to expose their persons, and flogged with a strap of sole-leather?

A. No, sir, I do not approve of it; and I have never known it has been done.

Q. It has not been reported to you that that has been done?

A. No, sir.

Mr. HYDE. Has that ever occurred except in the Rawson case?

Mr. ALLEN. Yes, sir; a witness testified, at your last meeting but one to that fact.

Mr. HYDE. Who was the witness? I have no recollection of it.

Mr. ALLEN. I will not detain the Committee now, but I will refer to it again.

Q. (By Mr. ALLEN.) Do you approve of stripping a boy entirely naked, a boy over 15 years of age, and flogging him across the bare back with a heavy strap like this, for any offence?

A. Not as a question simply of discipline, for a boy from 16 to 20 years of age. I think we are obliged to do some things we would not do, and would not defend, on account of the peculiar circumstances in which we have been placed.

Q. Do you approve of stripping a young man from 18 to 20 years of age naked, and punishing him with heavy blows with a sole-leather strap, upon his naked person, from his back downwards?

A. I think there is no punishment of the nature of corporal punishment that is so little liable to injure the person as a simple sole-leather strap. If the circumstances were such as to justify severe corporal punishment, I know of no one preferable to the strap.

Mr. TRAIN. Will you allow me to ask whether any evidence has been adduced before this Committee, where a person has been stripped entirely naked and flogged?

Mr. ALLEN. There will be.

Q. (By Mr. ALLEN.) Do you approve of stripping a young man entirely naked, and flogging him upon the naked back with a heavy sole-leather strap?

A. I never have seen any instance where I should approve of it. I do not know but it might be approved under certain circumstances, but I have never known any such case.

Q. Do you approve of having cold water from a force-pump played upon a boy in this institution, as a punishment, not to quell a riot?

A. Yes, sir.

Q. Would you recommend it?

A. Yes, sir; in any case I have known of its being used.

Q. Should you recommend the continuation of the sweat-box?

A. I never call it a sweat-box, but I should recommend the continuance of a box in the nature of a strait-jacket.

Q. (By Mr. HYDE.) Such as is in use?

A. Yes, sir.

Q. (By Mr. ALLEN.) Do you justify or recommend having a boy lashed in a strait-jacket, so that he cannot move his arms or legs, and a strap placed in his mouth, and buckled behind his head as a gag, and allowing him to remain in that condition all one day, and being taken out at night, and put into the same condition to remain another day?

A. I have never known any such thing, and so I have nothing to say about recommending it.

Q. Would you permit any such punishment in this institution, if you knew it?

A. I do not think I should, as I understand the case, as you state it.

Q. Has any such case ever been reported to you, or come to your knowledge?

A. Not to my knowledge.

Q. Did you ever know, until this investigation commenced, that boys were put into this box and kept confined there for a period of at least ten hours consecutively?

A. No, sir; I do not see how it could be, because they are taken out always at noon.

Q. How long did you suppose a boy was confined in that box, until this investigation commenced, at one time?

A. I think that the statement has been upon the door of the box for a long time, that they should be taken out at noon, and again at night. I have no other supposition or knowledge about it but that.

Q. Had you any direct information, up to the time this investigation commenced, as to the number or duration of the punishments in that box?

A. I think I had not, sir.

Q. Had you been informed, before this investigation commenced, that boys had been stripped up to their waists, or down to their waists, and flogged upon their naked persons with a sole-leather strap?

A. I do not think I have been so informed.

Mr. HYDE. Is that all, Mr. Allen?

The CHAIRMAN. We are continuing this examination, I think, beyond what was expected.

Mr. ALLEN. I think it would be better to have the boys.

The CHAIRMAN. You do think so?

Mr. ALLEN. I think so.

Mr. HYDE. If you have only a few questions, I should think you might as well finish here.

Q. (By Mr. PRESCOTT.) I was going to ask the chairman of the board of trustees if he was aware of the frequency and the severity of the punishments in this Reform School previous to this investigation?

A. I do not know as I know how much force you give to the term frequency. I do not think I have always known in every individual case of a boy's being punished. I have known that for the last few months, with this uneasiness here, there has been more punishment than formerly; that is, I had understood that, not from any personal knowledge of my own.

Q. Well, the main point I want to get at is this: Has this investigation developed anything new in regard to punishments that the trustees were not aware of before the investigation commenced?

A. Some of the punishments, I think, have occurred since the investigation commenced; for instance, the cases of the boys at the Farm House, punished by Rawson.

Q. Well, but the main point was this: Has this investigation, taken as a whole, developed nothing new in regard to punishments, that was not known to the trustees previous to this investigation?

A. I think it has. I think attention has been turned to it, and the whole matter has been discussed more than before.

Q. You were aware of the punishments of Mr. Rawson, the farmer?

A. I have learned of it since.

Q. Do you not think the board of trustees should have immediately discharged a man who inflicted such punishments as these?

A. If he had been a regular officer or teacher, I should have said yes; but as he is simply a farm-hand, and was out of his place—that is, out of his accustomed place—that day, I do not know that I should say yes. Still, I think it is a matter that may be considered.

Q. Did you know that man has on several previous occasions had charge of boys?

A. I did not know that he ever had before.

Mr. HYDE. That question of his detention is still under consideration by the trustees, and they have not yet decided it.

Q. (By Mr. PRESCOTT.) After this riot of the 12th of January, was the matter of that riot investigated by the board of trustees or a committee?

A. By the board; yes, sir.

Q. What was that investigation?

A. We inquired into the cause of it, and the result, so far as it appeared, at the institution.

Q. Did it appear to the board of trustees at that time that the boy Collins, who was a ringleader in the riot, had been struck,—not as a matter of punishment, but had been struck by Officer Bigelow a day or two previous to the riot?

A. I do not remember, sir, whether it appeared at that time, but I came to understand, either at that time, or since, that it was claimed that the boy had been struck.

Q. (By the CHAIRMAN.) Do you approve of the different modes of punishment in this institution?

A. I do; yes, sir.

Q. Do you believe the punishments have been or are likely to be more frequent or severe than are required to maintain good discipline at this institution?

A. If you will except those at the Farm House by Mr. Rawson, I should answer, no, sir, to your question.

Q. My question is, Do you believe the punishments have been or are likely to be more frequent or severe than are required to maintain good discipline at this institution?

A. With that exception, I should say I did not believe that they were.

JAMES KELLY—*Sworn.*

The CHAIRMAN. I want to tell you, James, that you can tell the truth, and that you need not be at all afraid; it will not be to your prejudice here or anywhere else.

Q. (By Mr. DAVIS.) How long have you been in the institution?

A. Two years the first of May.

Q. How old are you?

A. Fifteen years and eight months.

Q. Have you been punished in this institution?

A. Yes, sir.

- Q. In what way? Tell all the ways you have been punished.
- A. The second day I was here my clothes were taken down and I was bent over and strapped until I was all black and blue.
- Q. The second day you were here?
- A. Yes, sir.
- Q. Well, who did that?
- A. Mr. Scott.
- Q. What did he do it for?
- A. Carrying some tobacco in the yard.
- Q. And he what—stripped your pants down?
- A. Yes, sir.
- Q. Raised your shirt, and on your bare skin flogged you?
- A. Yes, sir.
- Q. What did he strike you with?
- A. A strap.
- Q. What kind of a strap?
- A. It was a long thin strap.
- Q. Was it like that? [The light strap.]
- A. No, sir.
- Q. Did he take you down on the floor?
- A. No, sir; he made me bend over a little stool.
- Q. How many blows did he give you?
- A. I could not tell.
- Q. How many do you think?
- A. Somewhere along about 20.
- Q. Now, what other times have you been strapped?
- A. Mr. Cummings strapped me.
- Q. Which one; the one in the chair-shop?
- A. Yes, sir.
- Q. More than once?
- A. Yes, sir.
- Q. How many times?
- A. Four or five.
- Q. How did he strap you?
- A. On the hand.
- Q. Did he ever strap you on the bare back?
- A. No, sir; once he strapped me on the bare buttocks. He strapped me on the hands once, and then he strapped me on the bare part.
- Q. On your buttocks?
- A. Yes, sir.
- Q. On the skin?
- A. Yes, sir.
- Q. Is that all the time you have been strapped on the bare skin?
- A. I have been strapped by Mr. Wood. Mr. Wood strapped me for nothing. He said I was stealing meat; I told him I wasn't; and he took me down in the barn and strapped me. I was all black and blue.
- Q. Was that the time Sullivan was strapped with you?
- A. Yes, sir.
- Q. Did Mr. Wood punish you?

A. Mr. Wood punished me on the bare skin with a big strap.

Q. (By Mr. TRAIN.) For what?

A. For nothing. He told me to take down my pants, and he turned my shirt up over my head. I asked him to let me go, and he would not until he punished me.

Q. This was for stealing meat. Did you steal any meat?

A. No, sir.

Q. Did you try?

A. No, sir.

Q. Did you put out your hand?

A. No, sir; I was speaking to Lynch. I asked Lynch if he was going skating, and he told me no.

Q. Well, did not some of the boys put out their hands?

A. No, sir.

Q. Do you mean they did not, or you did not see them?

A. No, sir; Sullivan and I were the two last boys in the line. Mrs. Hinckley thought we were stealing meat, and told Mr. Wood to speak to us. He took us down and mugged us.

Q. That is, he strapped you?

A. Yes, sir.

Q. Did you tell him you did not steal the meat?

A. Yes, sir.

Q. Well, that was the time that another boy named Sullivan was whipped?

A. Yes, sir; Sullivan was whipped twice, and I was whipped only once.

Q. Well, that makes up the matter of whipping. Have you ever been in the sweat-box?

A. No, sir.

Q. Have you ever been in the strait-jacket?

A. No, sir.

Q. Have you ever been in the lodge?

A. No, sir.

Mr. TRAIN. You have been a pretty good boy, and dodged most of the punishments.

Q. (By Mr. DAVIS.) You are in the trust house, are you?

A. Yes, sir.

Q. Do you know why you are out there?

A. Yes, sir.

Q. Why?

A. For behaving myself.

Q. You are one of the best boys in the institution, are you not, according to the position you hold?

A. Yes, sir.

Q. (By Mr. HYDE.) Kelly, how long have you been in the trust house?

A. About a year, the first of next month.

Q. When was it that Mr. Wood whipped you?

A. I don't know.

- Q. Was it before you went to the trust house?
 A. No, sir; afterwards.
 Q. Well, that time you thought you ought not to be whipped?
 A. Yes, sir.
 Q. How was it the other time?
 A. I had done wrong then.
 Q. Did you get any more whipping than you deserved?
 A. No, sir.
 Q. But this time that he whipped you, you thought you ought not to be whipped?
 A. Yes, sir; I hadn't done anything.
 Q. I did not hear your age. How old are you?
 A. I shall be 15 in May.
 Q. (By Mr. ALLEN.) How long were these marks on your legs, which you say were black and blue?
 A. About five days.
 The CHAIRMAN. Be a good boy, James, and you will get along first-rate here.

JAMES COSGROVE—*Sworn.*

- Q. (By the CHAIRMAN.) How old are you?
 A. Fifteen.
 Q. How long have you been in the institution?
 A. Two years and nine months.
 Q. Where do you come from?
 A. Taunton.
 Q. You are now one of the band of hope, I see, by your badge?
 A. Yes, sir.
 Q. That means you are a pretty good boy, does it not?
 A. Yes, sir.
 Q. Have you ever been punished since you have been in the institution?
 A. Yes, sir.
 Q. How long ago were you punished last?
 A. The 12th of January.
 Q. Who punished you then?
 A. Mr. Bigelow.
 Q. What did he punish you for?
 A. Talking on the line.
 Q. Do you think you deserved to be punished?
 A. I did not deserve all I got.
 Q. You were punished harder than you thought you ought to be?
 A. Yes, sir.
 Q. How was you punished?
 A. I was talking on the line, and he punched me in the face; then he brought me down into the bath-room and whipped me, and then went into the chapel; then he brought me out into the chair-shop and whipped me again.
 Q. Did you do nothing else except to talk on the line? Had he told you beforehand that you must not talk on the line?

A. No, sir.

Q. It was one of the rules, was it not?

A. Yes, sir.

Q. You knew that you ought not to talk in the line, and that you were breaking one of the rules.

A. Yes, sir.

Q. You knew that was wrong, did you not?

A. Yes, sir.

Q. How long after you talked on the line did Mr. Bigelow punish you?

A. He came right up.

Q. Now, you may just tell us, in your own way, all about it.

A. It was on Friday afternoon, when we were going into singing class. He punched me three or four times with his fist, and then brought me down into the bath-room and punished me on the hands with a strap; then he let me go up into the chapel, and while the boys were filing out he took me out into the chair-shop and whipped me again.

Q. On your hands?

A. Yes, sir.

Q. With a strap?

A. Yes, sir.

Q. Like one of those before you?

A. Yes, sir; with the thin strap.

Q. Had you been punished before?

A. Yes, sir.

Q. How long before, should you think?

A. About four or five months.

Q. Do you remember what you were punished for the time before?

A. Breaking a knife for Mr. Chase, and lying about it.

Q. Do you think you ought to have been punished at that time?

A. Yes, sir.

Q. Do you think your punishment then was more than you ought to have had?

A. No, sir.

Q. Any other time, in the institution, do you think you had been punished harder than you ought to have been?

A. No, sir.

Q. (By Mr. PRESCOTT.) Were you punished once by the clerk, Mr. Chase?

A. Yes, sir.

Q. What were you punished for?

A. Breaking a knife, and telling lies about it.

Q. How were you punished?

A. On the back.

Q. By the clerk, Mr. Chase?

A. Yes, sir.

Q. Was your jacket taken off of you?

A. Yes, sir.

Q. You took it off?

A. Yes, sir.

Q. Was your bare flesh exposed?

A. All but my shirt.

Q. Were you punished severely at that time?

A. No, sir; not very.

Q. I understand you, that Mr. Bigelow struck you in the face?

A. Yes, sir.

Q. How—with his fist?

A. Yes, sir.

Q. Did he have any glove on?

A. Yes, sir.

Q. Did he strike you hard?

A. No, sir; not very.

Q. Have you seen Mr. Bigelow strike any other boys?

A. Dunn.

Q. What did you see Mr. Bigelow do to Dunn?

A. Hit him in the face. Dunn fell on the floor. I don't know whether he knocked him down or not.

Q. You saw Mr. Bigelow strike the boy?

A. Yes, sir. Dunn was on the floor.

Q. Did you see him strike him afterwards?

A. Yes, sir.

Q. (By Mr. TRAIN.) Did he strike him or punch him?

A. He punched him, or gave him one punch.

Q. Just show us how?

[The boy struck out from his shoulder].

Mr. ALLEN. Struck out from his shoulder.

Mr. TOMPKINS. And yet not hurt.

Q. (By Mr. PRESCOTT.) How was it that Mr. Chase happened to punish you?

A. I was the office-boy, and he had a knife, and I was playing with it and broke it; he came and asked me about it, and I told him a lie about it.

Q. Then he punished you over the back for that?

A. I lied to him a couple of weeks before that.

Q. Have you seen any boys in the institution who have shown marks of severe punishment?

A. No, sir.

Q. Do you know anything about the boy Gartland?

A. No, sir.

Q. Were you in the chair-shop when Watson came in there?

A. No, sir; I was in the sewing-room.

Q. (By Mr. LOWE.) Do you know a boy named Daly?

A. Yes, sir.

Q. You stated here before that you saw Mr. Bigelow knock him down on his back one morning about two months ago?

A. I thought it was him, but it was Dunn.

The CHAIRMAN. What was that answer?

Mr. HYDE. He says it was Dunn instead of Daly.

Q. (By Mr. ALLEN.) Were you ever in the sweat-box?

A. No, sir.

The CHAIRMAN. Be a good boy here, do the best you can, and you will come out a better boy than you were when you went in.

PATRICK McMAHAN—*Sworn.*

The CHAIRMAN. You need not be afraid to answer any questions we ask you, but we want you to tell the truth.

Q. (By the CHAIRMAN.) How long have you been in the institution?

A. A year, last November.

Q. How old are you now?

A. I was 17 the 17th of last March.

Q. Where did you come from?

A. From Clinton.

Q. What part of the institution are you in?

A. The Farm House.

Q. Were you promoted to the Farm House from some other part of the institution?

A. Yes, sir.

Q. You have been punished at some times since you have been in the institution?

A. Yes, sir; once.

Q. Only once?

A. Only once, by the strap.

Q. When was that?

A. When I was in the fifth school.

Q. Do you remember how long ago that was, or when it was?

A. No, sir.

Q. Who strapped you?

A. Miss Lawrence.

Q. A lady teacher?

A. Yes, sir.

Q. What were you strapped for?

A. For waving my handkerchief in the chapel. The other boys were waving their handkerchiefs in the singing, and I waved mine after the other boys got through. I was a new boy there.

Q. It was disobeying some of the rules?

A. Yes, sir.

Q. You knew it was?

A. Yes, sir.

Q. How did this lady teacher strap you; on the hands?

A. No, sir; she made me take off my jacket, and get down on my knees.

Q. She strapped you with your jacket off, on your back?

A. Yes, sir.

Q. Did it hurt you?

A. Yes, sir.

Q. You never have disobeyed the rule since?

A. No, sir.

Q. And you have not been punished since ?

A. No, sir.

Q. You are trying to be a good boy, aren't you ?

A. Yes, sir.

Q. (By Mr. DAVIS.) You have not been in the sweat-box ?

A. No, sir.

Q. (By Mr. ALLEN.) Have you ever seen boys who have been in the sweat-box ?

A. No, sir ; not that I can remember.

Mr. WASHBURN. How many more boys are there that we have not seen, that were seen by the sub-committee. We want to see every boy that any member of the sub-committee saw.

The CHAIRMAN. You must be just as good a boy as you can, Patrick, and when you get through you will be all the better for having been here.

Q. (By Mr. ALLEN.) When that lady whipped you, did you take off your jacket and shirt ?

A. No, sir, I did not take off my shirt ; I took off my jacket.

Q. (By Mr. HYDE.) What was the lady's name ?

A. Miss Lawrence.

Mr. HYDE. This morning, I asked for the list of the boys who had been whipped. They gave Kelly, Sullivan, Hector, Flynn, Lombey, Dunn, Otis, Cosgrove, McMahan, Minnehan, and then I had Faulkner, and Colonel Shepherd afterwards said there was another.

Mr. PRESCOTT. He is one of the officers.

Mr. HYDE. We have called all but Minnehan.

Mr. WASHBURN. I would like to ask any member of the sub-committee if there is any other boy they wish to call ? I do not want to hear by and by that we have neglected or omitted one.

Mr. PRESCOTT. Oh no, I have got a list of other boys' names who have been punished. There is a Thomas Daly, that the Committee saw when we were here before ; we will see him now, or at some future time.

Mr. WASHBURN. Was there any testimony this morning that the boy McMahan, that has just testified, bore marks of punishment on him ? I saw nothing of them.

TIMOTHY MINNEHAN—*Sworn.*

The CHAIRMAN. You need not be afraid to answer any question we ask you. We only want you to tell the truth.

Q. (By the CHAIRMAN.) How old are you, Timothy ?

A. Thirteen, the 12th of June.

Q. How long have you been here ?

A. Two years, in June.

Q. Where did you come from ?

A. Somerville.

Q. What part of the institution are you in ?

A. In the fourth school.

Q. Have you ever been promoted since you have been in the institution ?

A. Yes, sir.

Q. Promoted from where?

A. From the fifth school.

Q. Have you ever been punished in the institution?

A. Yes, sir.

Q. What were you punished for?

A. I do not remember.

Q. For disobeying some of the rules?

A. Yes, sir.

Q. Have you been punished more than once?

A. Yes, sir.

Q. Do you remember the first time you were punished?

A. No, sir.

Q. Do you remember the last time you were punished?

A. I guess it was four or five months ago.

Q. Do you remember who punished you?

A. No, sir.

Q. Do you remember how they punished you?

A. No, sir.

Q. Did they punish you with a strap; don't you remember?

A. No, sir.

Q. (By Mr. PRESCOTT.) Did you ever see Officer Bigelow strike a boy?

A. Yes, sir.

Q. Did you see him strike Cosgrove?

A. Yes, sir.

Q. What were the circumstances?

A. He was whispering in the line.

Q. How did he strike him?

A. He hit him with his fist.

Q. Did he have any glove on his hand?

A. Yes, sir; I think he did.

Q. Did he strike him hard?

A. Hard enough to make him cry.

Q. Do you know anything about this riot which occurred in January?

A. Yes, sir; I heard the boys say that if Mr. Bigelow was not here the riot would not have happened.

Q. (By Mr. ALLEN.) Where did Mr. Bigelow hit this boy with his fist?

A. I think he hit him in his face.

Q. (By Mr. HYDE.) What boy?

A. Cosgrove.

Q. (By Mr. TOMPKINS.) How many boys told you if Mr. Bigelow had not been here the riot would not have occurred?

A. One. I was standing in the yard, and he was talking with another boy, and I heard him say that while Mr. Bigelow was in the dining-room there could be no peace.

Q. Did Mr. Bigelow ever strike you?

A. No, sir.

Q. Did he ever punish you ?

A. No, sir.

Q. You do not like Mr. Bigelow very well, do you ?

A. Yes, sir ; he always treats me well enough.

Mr. HYDE. The boy Daly is in the house of correction, and that makes up the list. The officers have gone after some others.

Mr. PRESCOTT. I should like to have James Welch and Thomas Daly called.

JOSEPH W. RAWSON—*Sworn*

Q. (By the CHAIRMAN.) How long have you been connected with the institution ?

A. About 13 months.

Q. In what capacity ?

A. As farmer.

Q. Have you ever been in any other institution before coming here ?

A. I have not.

Q. As a farmer, do you have charge of boys as a regular duty at this place ?

A. Yes, sir.

Q. You do have charge of boys ? I mean, is it a part of your regular duty ?

A. Yes, sir.

Q. Do you remember when you first had boys put under your charge ?

A. The first time I had boys under my direct charge was in coaling time last summer ; we were engaged in drawing coal to the steam-mill and piling it.

Q. How many boys did you have ?

A. The number was varied from four to eight or nine.

Q. Were they regularly under your charge ?

A. Yes, sir.

Q. For how long a time ?

A. During the time we were coaling. I do not remember the number of days ; I should think from eight to ten.

Q. During that eight or ten days, did you have any trouble with those boys ?

A. No, sir.

Q. When next did you have boys under your charge ?

A. Directly after that I had four boys from the inside in the hay-field.

Q. For how long ?

A. For a number of days ; I do not remember just how long.

Q. Did you have any trouble with the boys in the hay-field at any time ?

A. No, sir.

Q. When next did you have any boys under your charge, do you remember ?

A. I do not remember just when ; I had boys between that time and the time I had the Peters House in the fall. I was transferred from the Farm House for one week. Whether I had boys under my care between these times I do not know.

- Q. You had no trouble with the boys during that time?
A. No, sir.
Q. Well, when next did you have boys under your charge?
A. At the time I referred to, when I had charge of the Peters House.
Q. When was that?
A. At the time Mr. Hinckley went on his vacation.
Q. When was that?
A. In the fall, about the last of September, I should think.
Q. For how long a time.
A. For one week?
Q. Then, for one week, last September, you had charge of the Peters House?
A. Yes, sir.
Q. Did you take Mr. Hinckley's position during his absence?
A. I did.
Q. Well; during his absence, did you have any trouble with the boys?
A. The boys began to raise me some the second day. I talked to them, and tried to get along with them as well as I could with as little punishment as possible, and did not use the strap, with one exception; and that was on the boy Gaul. I strapped him lightly, when we were at work on the bed in front of the Garden House.
Q. On his hand?
A. I took him right across the arms, with his clothes on. I took hold of him and strapped him a few straps, and let him go to his work.
Q. Did you report to any one the punishment of that boy?
A. No, sir; I did not.
Q. How many blows do you think you struck him?
A. I might have struck him six or eight blows; I do not think I struck him over that.
Q. That was last September?
A. Yes, sir.
Q. When next did you have any charge of the boys?
A. I had charge of the Garden House along in the winter. I have had charge of that house two or three times.
Q. The Garden House?
A. Yes, sir.
Q. How many boys there?
A. Thirty-two is the full number.
Q. Under what circumstances were you put into this house?
A. One night I was called there after supper, Mr. Brown having gone away, and I was asked to take the house till towards morning. Then I had the house two days. I had the house soon after that, when he was gone away to Boston, and, under similar circumstances, I have had it since then.
Q. Frequently since then?
A. Two or three times.
Q. About a day at a time?
A. Yes, sir.

Q. During this time, while you had that temporary charge of the Garden House, did you have occasion to punish any of the boys?

A. No, sir; no punishment except in school, in the evening. One boy—I don't know his name—began to whisper and make considerable laugh in the school. I told him to keep quiet, and he kept quiet for a few minutes, and then turned around in the seat and whispered again. I went along up the seat and boxed his ear, and he looked around, and I made a motion for him to sit around and passed away from him. That was all the punishment I ever inflicted at the Garden House.

Q. Next, did you go to the Peters House?

A. I have been at the Peters House twice since then during the winter. I do not remember just the circumstances of Mr. Hinckley's being away?

Q. Well, the last time you had charge of the Peters House, was that since Mr. Morse has been there?

A. One time he was gone away two days; that was about the last of February, I should think.

Q. When did you have charge of the house Mr. Hinckley was stationed at?

A. The Farm House, which was the last house he had charge of, I had about the middle of February, just before he left, two days while he was in Boston.

Q. That was the time during which you punished Sullivan, Hector, and Flynn?

A. Yes, sir.

Q. Now, Mr. Rawson, which of these boys were punished first, or were they all punished the same day?

A. The first day, Sullivan and Flynn were punished.

Q. Now, will you state to us the particulars, exactly as you remember them, of the offence and punishment of Sullivan and Flynn?

A. I will come as near to the statement I made before the sub-committee as I can.

The CHAIRMAN. It does not make any difference, just tell it as it is.

Mr. RAWSON. I went into the shop in the morning, after the boys had taken their places at the benches; after I had been in the shop a little while, I noticed whispering among the boys,—considerable of it; but I did not notice it enough at first to speak to them about it. After a while I spoke to the boys in three different parts of the shop, in order that they might all hear, that I wished no more whispering and talking while they were at work, and that they should pay more close attention to their work. The larger boys of the shop stopped whispering and paid close attention to their work, but the smaller boys did not seem to mind so well. I let them go on for an hour or so, and watched them very closely, and finally I noticed that Flynn and Sullivan appeared to be disobeying me directly and wilfully, as it appeared to me from the position they took at their work, and carrying on whispering right before me. I let them carry it on for about five or ten minutes; then I called them up and took them out of the shop and punished them.

Q. Well, state the particulars of the punishment.

A. I took them out of the shop and told them I was going to punish

them, and what I was going to punish for, and started to go down-stairs with them. Sullivan made a step back towards the door, and I stepped back towards him, and then he came on after me. I told him not to open the door, but to go on, and he came on and followed me. I took them down-stairs into the tool room underneath the shop. I went in and locked the door and passed towards the boys, having forgotten my keys and left them in the door. Sullivan put his hands on a shovel, as if he would take it from the peg; what he intended to do with it I do not know; he saw me coming towards him, and he put the shovel back again where he found it. Then I went back and got my keys and put them in my pocket. I came up to Sullivan and told him I would punish him now, and he wanted to know how I was going to punish him; I told him, on the back; he said Mr. Hinckley had told him to let no man punish him on the back; I told him I had charge of the house that day, Mr. Hinckley was not there, and it did not make any difference to me what Mr. Hinckley said, I should punish as I saw fit; he made some resistance, but finally he took up his shirt and I punished him on his back; he did not take his shirt off.

Q. (By Mr. ALLEN.) Did he take his trousers off?

A. No, sir.

Q. His jacket?

A. His jacket was off.

Mr. HYDE. Tell what you punished him with, and how many blows you gave him?

WITNESS. I punished him with a strap; I did not count the blows, but think it was not over 15 or 20 that I gave him.

Q. (By the CHAIRMAN.) Were you excited or angry at the time?

A. I was under some excitement at the time.

Q. Caused by what?

A. It was the first time I had punished boys, and I probably felt—I know I felt—somewhat agitated, as I did not like to punish boys. But I felt I must do something in order to maintain my discipline, and that under the circumstances I was a green hand at it, and I felt agitated and excited. I was somewhat excited over their action in the shop.

Q. Did you leave the boys without any one up-stairs when you left?

A. I left them in care of Hector, the monitor.

Q. You took with you the boys Sullivan and Flynn?

A. Yes, sir.

Q. Flynn is the boy that was present while you were punishing Sullivan?

A. Yes, sir.

Q. After you got through with Sullivan, then what?

A. I punished Flynn.

Q. Tell all about it?

A. It was very much the same as with Sullivan; he made some resistance at first, and then I punished him in the same way. He allowed his pants to remain across his hips, and I punished him across the back.

Q. Did the boys, either or both of them, struggle considerably?

A. Yes, sir; considerably.

- Q. Were you obliged to use force to keep them down?
 A. Yes, sir.
 Q. By putting your hand upon them?
 A. Yes, sir; I placed my hand upon them.
 Q. Upon one of their shoulders?
 A. Yes, sir.
 Q. (By Mr. ALLEN.) Were they prostrate when they were punished?
 A. Part of the time; not all of the time.
 Q. (By the CHAIRMAN.) How many times did you strike Flynn?
 A. I should judge I gave him about the same I gave Sullivan.
 Q. Fifteen or 20 blows?
 A. In that neighborhood.
 Q. Are you quite sure it was not more than that number?
 A. Yes, sir; I am quite sure I could not have given him more than that number in the time.
 Q. What did you punish him with?
 A. With a strap or piece of trace that I had found in the corn-room.
 Q. (By Mr. ALLEN.) Which was it?
 A. This is the strap. [Picking up the piece of trace.]
 Q. Well, was it a piece of trace?
 A. Yes, sir; it is a piece of a light buggy trace.
 The CHAIRMAN. It was that, or one like it, you think?
 Q. (By Mr. TOMPKINS.) Do you think that is the strap you used?
 A. That, as nearly as I can judge, is the identical strap.
 Q. (By the CHAIRMAN.) 'Now, in taking these boys down to the shop, did you use a pistol?
 A. No, sir; I did not.
 Mr. HYDE. That was the next day.
 Q. (By the CHAIRMAN.) Was that the end of the Sullivan and Flynn punishment?
 A. They put their pants up and dressed themselves, and went back into the shop, and I had no more trouble after that.
 Q. Did you have any more trouble in the school from that day?
 A. No, sir; I did not.
 Q. Did you the next day?
 Mr. HYDE. Suppose you go right along in connection, and say if you noticed the condition of their backs after you finished whipping them?
 A. I noticed the condition of Sullivan's back after I had punished him.
 Q. (By the CHAIRMAN.) What was the condition?
 A. It was considerably marked.
 Q. In what way?
 A. With stripes.
 Q. (By Mr. ALLEN.) Where somebody had punished him before?
 A. Yes, sir.
 Q. (By the CHAIRMAN.) Do you know whether or not he had been punished before?
 A. Yes, sir; I do know he had.
 Q. How do you know?
 A. By being told by the boys, and by either Mr. Stearns or Mr. Camp-

bell, I do not know which telling me. I do not know the person who was in the barn at the time.

Q. Well, how recently had he been punished?

A. A week or so before that, I think.

Q. Well, after you had finished punishing Sullivan or Flynn, did you notice the condition of their backs?

A. No, sir; I did not.

Q. (By Mr. TOMPKINS.) You say Sullivan's back was marked?

A. Yes, sir.

Q. Was Flynn's?

A. No, sir.

Q. (By the CHAIRMAN.) The next day, did you have charge of the boys in that house?

A. Yes, sir; I did.

Q. The next day you punished Hector, did you not?

A. Yes, sir.

Q. Now, will you state what occurred in the school-room, or in that work-room, previous to the punishment of Hector, and then go on and relate all the circumstances of that punishment?

A. The circumstances of my punishment of Hector were, in part, his doings of the day before, and, in part, his doings of the day. About ten o'clock in the forenoon of the first day the boys began to leave their work, one or two at a time.

Q. Well, did you state that before? You spoke about the boys making a disturbance; is that what you refer to?

A. No, sir; that was in reference to Sullivan. The punishment of Hector was connected with his doings of the day before, and what he did this day. About ten o'clock of the first day the boys began to leave their work, two or three at a time, and continued so all the rest of the forenoon. About half an hour before that I began to ask Hector what the boys were leaving their work for, and he said they had got their stints done.

Q. When they got their stints done, what did they do?

A. They put their best caps on, and they would sit around on the benches, or go out. Said I, all right; keep the boys quiet, and let them remain in the shop till noon, and we kept them on the table till noon. After dinner, the boys came down to the shop, and I supposed they had stints for the afternoon, but it seems they had none, so I kept them in the shop until supper-time, and then took them out on the play-ground. That night, when Mr. Hinckley came home, I stated the case to him about the boys leaving their work, and their having their stints done, and what Hector had told me. The next morning, he said, "The boys lied to you yesterday about their stints, and I would keep them at work to-day, if I were you." I said, "Hector said they did their stints." Said he, "It was not so." That morning, along the first part of the forenoon, I noticed that Hector was round among the other boys, talking and laughing with them considerably; not talking loud, but in a kind of a murmur, which I could not understand. I requested him to stop and to attend to his duty as monitor, which would be to watch the boys work,

and keep them from whispering, and see that they did their stints. He obeyed me, and stopped for about half an hour, I should think, and then I noticed him talking with a boy by the name of Curley. He laid down on the bench on the opposite side of the shop from me, and by watching him pretty closely, I saw that he was carrying out his work of the morning, and drawing attention from the work. I said nothing, but went out, and met Mr. Campbell, and asked him if he was very busy, or would be for a few minutes; he said "not particularly," and wanted to know why. I told him I would like to have him take charge of the shop for a few minutes while I punished the monitor. He advised me to do so, and thought it would be a good thing. Said he, "That is what I should do, and I think you had better do it." He was then going towards the piggery, and said he would be back in a few minutes, and would come in. I waited until he came back, and went out; he said he guessed the shop would be all right, and he guessed the boys would make no disturbance, and he did not think he would go in. I told him I did not wish to leave the shop alone. He said he did not think they would raise any on me; and finally I saw that he did not wish to go into the shop. He had some reason for not doing so, and I went back into the shop, thinking, that perhaps the boys might keep quiet the rest of the day if I said nothing more to them, and paid no attention to it. But I found after I had been in a while longer that they were more in direct disobedience to me and my orders. I called Hector out, leaving the boys in the shop alone. I told him outside the door that I saw he did not understand his duty as a monitor, and I thought I should make him understand it. He said he understood his duty as a monitor, and I asked him why he did not do it. He said that he had attended to his duty. I asked him why it was he lied to me the day before about the boys' stints. He said he tried as hard as he could to keep the boys at work. Then I told him that I should punish him for what he had done that day; and he said he should not be mugged by me. Those are the words he used. I told him that I should whip him, and upon that he backed off into a corner of the platform up-stairs and brought up his fists and began to show fight. I started to lead him down-stairs, and he ran to the shop-door, opened it, and hollered for the boys to come and help him, saying, "Come out here, come out," and asked them to help him. As far as I could see, every boy in the shop left his work; some were armed with awls, one of them with a chair-frame, or whatever they could lay their hands on. I could not see the whole shop. I seized him by the collar just as he hollered, right in the doorway; the boys grabbed hold of him and tried to pull him away, but found they could not, and then they let him go and made for me. I let go of Hector and stepped back and drew my revolver, and flourished it at them, but did not cock it. Every boy went back to his bench to work, and Hector followed them. I told the boys that I wanted them to attend to their work now, as I was going to have Hector out. Then I told Hector he might pass out of the shop, and as I passed out of the shop I told the boys I did not want to find any boy away from his bench or raising when I came in again. Hector went down-stairs, and I followed him to the barn.

I went into the barn and I saw Mr. Campbell coming from the piggery. I waited until he came through and called him into the harness-room and handed him my revolver and told him I wished he would watch the school while I punished Hector. He said "all right," and took the revolver and put it in his pocket and went outside of the barn. Then I took Hector into the meal-room and punished him.

Q. State how you punished him, and what you punished him with?

A. I punished him with the same strap I used on Flynn and Sullivan.

Q. (By Mr. ALLEN.) You mean the harness-trace?

A. Yes, sir; I punished him on his bare back, making him take off his shirt. He struggled considerably, and, as I judged, was considerably excited, and used a great deal of strength resisting me. He did not go down, to my recollection, more than once, and then he got right up again. I struck him where I had a chance to, sometimes on his arm, and sometimes on his back.

Q. (By Mr. HYDE.) You mean his shirt was off,—he took it clear off?

A. Yes, sir.

Q. (By the CHAIRMAN.) His back was bare?

A. His back was bare, but he had his pants on.

Q. How many blows did you strike him?

A. I think I struck him 25 or 30 blows.

Q. Was he struggling at the time you punished him?

A. I could not hold him by force, and did not tie him.

Q. Well, when you got through, what did you do?

A. I told him he might put on his clothes and return to the shop.

Q. Did he do so?

A. Yes, sir.

Q. Did you go back to the shop?

A. I went back to the shop with him.

Q. Did you remain the remainder of the day with the boys?

A. Yes, sir; I had no trouble afterwards. I found every boy at his bench at work.

Q. Have you had charge of any boys since that time?

A. Yes, sir; I have had the Peters House two days since then.

Q. Did you have any trouble with the boys?

A. No, sir.

Q. Have you punished any boys since that?

A. I have not. Allow me to make a little statement in correction, Mr. Chairman. After we had the difficulty in the forenoon, the superintendent, having heard of the trouble, came down there.

Q. What time was this trouble in the forenoon?

A. I cannot state the hour exactly, but it was in the forenoon some time. I should judge that Colonel Shepherd came down about eleven o'clock. He came in and walked around among the boys, and spoke to some of them about their work, and asked them some questions in connection with it. Then he called me out of the shop, into the entry outside, and asked me about the trouble, and I told him then the circumstances under which I punished the boys. I forget whether I stated the circumstances of the punishment of the boy then. He was speaking to me about

Hector, at any rate, and he told me if I wished, or expected any further trouble from these boys, I might send them up to the main building. I told him I thought I had better keep them where they were, as I thought I could maintain better discipline than if they came up here. He said, also, if I had any further trouble with the boys, I should report it to him or to Mr. Campbell. I made some inquiries in reference to the kind of strap I should use, and he told me what kind of a strap they used here?

Q. (By Mr. ALLEN.) Where did you get this harness-trace?

A. In the corn-chamber.

Q. It was full length then, was it not?

A. Yes, sir; except a short piece.

Q. (By Mr. PRESCOTT.) Who told you what kind of a strap to use?

A. Mr. Shepherd.

Q. What kind of a strap did he tell you to use?

A. He told me they used a piece of sole-leather.

Q. (By the CHAIRMAN.) Which did you understand him to mean—which of these two?

A. I did not see this light strap at the time.

Q. (By Mr. HYDE.) This conversation was after you whipped the boys?

A. Yes, sir; it was after the trouble in the shop.

Q. (By the CHAIRMAN.) Have you punished any boys since?

A. I have not. I inferred from what he said to me at the time about having more trouble with the boys, I was not to punish them myself, but was to report either to him or to Mr. Campbell.

Q. (By Mr. ALLEN.) Did he tell you so directly?

A. Yes, sir; to report to him or to Mr. Campbell.

Q. (By the CHAIRMAN.) Did you notice the appearance of Hector's back after you got through punishing him?

A. Yes, sir; I did.

Q. What was the appearance of it?

A. He appeared to be marked considerably, I think; more than I had expected I had marked him while I was punishing him.

Q. (By Mr. ALLEN.) How marked? What was the appearance of his back?

A. Well, it appeared to be marked from the use of the strap.

Q. Why do you persist in calling this harness-trace a strap? Why do you not call it a harness-trace?

A. Well, sir, I do not mean to call it by the wrong name; I will call it a trace.

Mr. WASHBURN. Probably from the same reason that you persist in calling a box a sweat-box. He has got in the habit of calling it so.

Mr. ALLEN. I call the sweat-box what everybody else, except the officers, call it.

Mr. WASHBURN. Well, we all know when he says the strap he means that piece of trace.

Mr. ALLEN. Well, there is another difference: this harness-trace is a harness-trace, and the box is a sweat-box.

Mr. TOMPKINS. Where does the sweat come in?

Mr. WASHBURN. It illustrates the idea of calling things by fictitious names.

Q. (By Mr. DAVIS.) You said you were excited when you whipped Sullivan and Flynn?

A. Yes, sir.

Q. And also when you whipped Hector?

A. I do not think I was excited when I whipped Hector.

Q. But you say you were when you whipped Sullivan and Flynn?

A. Yes, sir.

Q. Were you angry?

A. No, sir; I did not feel angry.

Q. Did you whip them any harder than you would if you had not been excited?

A. I could not say as to that, but I whipped them with the intention of showing them I was master of the house, as they had referred me to what Mr. Hinckley had said, and as they had some further occasion to remember that I was sole master of the house after I had the care of it. I was determined to show I was master of the house while Mr. Hinckley was gone away.

Q. You mean to say you whipped them to convince them you were master?

A. I whipped them for their disobedience, and punished them severely to show that I was master and could punish them if I saw fit.

Q. (By the CHAIRMAN.) Did you punish them more severely than in your judgment you thought the offence justified?

A. At that time I did not think I did; since then I think I punished them more severely than I could be justified in doing under the circumstances.

Q. (By Mr. DAVIS.) Then you do not think your judgment is quite sound on that kind of punishment?

A. I think I would not now, after my experience at that time, punish them so severely.

Q. (By Mr. ALLEN.) Do you mean your experience before this Committee?

A. My experience in part before this Committee and thinking over their punishments.

Q. (By Mr. TOMPKINS.) This is your first experience in keeping a shop?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) How long have you been here?

A. Thirteen months and a little over. I came here about the first of March.

Q. When you punished these boys over the back, did you think that was a mode of punishment allowed in the institution?

A. Yes, sir; I did.

Q. I understand you stripped them to their waists?

A. Flynn and Sullivan had their shirts and pants on; the shirt was raised to the shoulders, and the pants were on their hips.

Q. How about Hector?

A. Hector's shirt was off, but his pants were on.

Q. You punished them over the upper part of the back, did you?

A. I punished Sullivan across the part of the back that would be bare from the shoulders to the hips.

Q. (By Mr. ALLEN.) So that the upper part of the back was bare?

A. Yes, sir; their backs were bare from their shoulders to the hips.

Q. Well, from your 13 months' experience, you consider that that was a justifiable mode of punishment, do you?

A. Yes, sir; I did at the time, under the circumstances.

Q. Did you not look upon this mulatto boy Hector as rather a weak and consumptive boy?

A. Did I not consider him as such?

Q. Yes, sir.

A. I had heard last summer, or last year, when he came out, that he was sickly at that time.

Q. Is not his appearance that of a weak and sickly boy? I ask that because the boy has been in the room here to-day.

The CHAIRMAN. Do you ask his judgment?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. You might ask any of the rest of us about it just as well; we have all seen him.

Q. (By Mr. ALLEN.) Do you not consider him a weak, sickly and consumptive boy?

A. He has that appearance.

Q. How did you happen to have your revolver with you?

A. It was a revolver I carried once in a while, and that day I put it in my pocket.

Q. Because you were going up there to take charge of the boys, you put the revolver in your pocket?

A. Yes, sir.

Q. (By Mr. ALLEN.) Was it loaded?

A. Yes, sir.

Q. With ball?

A. Yes, sir, and with cartridge.

Q. (By Mr. PRESCOTT.) Have you seen boys punished here during your experience?

A. I have not.

Q. Well, how did you assume, then, that punishments upon the back are allowed here?

A. From hearsay.

Q. From hearsay of what?

A. From officers and from the boys.

Q. Did any officers tell you they had punished boys upon the back?

A. Not that I recollect.

Q. (By Mr. DAVIS.) Did you examine the boys that day, after you had whipped them?

A. No, sir.

Q. You never asked them any questions concerning their punishments?

A. No, sir.

Q. Did you whip them below the back, on the buttock, thighs and hips?

A. Not that I remember of.

Q. How do you account for the marks upon the boys, which, I think, the sub-committee would agree were upon their buttocks and thighs?

A. I should account for it, that I might have whipped them there, but do not recollect it, or did not at the time I made my statement to them.

Mr. TOMPKINS. Was Hector marked down toward the thighs?

Mr. DAVIS. No; but Sullivan, especially, was marked on his thighs.

Mr. TOMPKINS. My recollection is that Sullivan and Flynn were marked on the thighs, and Hector was marked up above.

Q. (By Mr. LOWE.) How did you get that strap or piece of trace which you used?

A. I went into the corn-chamber on the morning of the first day I took the house, and found this trace with the end of it broken off where the buckle-holes are.

Q. (By Mr. TOMPKINS.) Will you look at that very carefully, and see if, in your judgment, that is the strap you handed me on the night of the examination, when the sub-committee was up here?

A. Yes, sir, as nearly as I can recollect; that is the very strap, on account of these three threads.

Q. Is there any other mark on it?

A. Nothing more than the way it is cut off.

Q. You feel very confident that is the strap?

A. Yes, sir.

Q. Did anybody give it to you? Did you ever see it since that time?

A. I have not seen it since I gave it to you till this day.

Q. (By Mr. ALLEN.) When you went with Hector from the shop to the barn, did you hold your loaded pistol in your hand?

A. I did not; it was in my breast coat-pocket in my overcoat.

Q. When you flogged him, you say you had his jacket taken off and his shirt; were his trousers hanging or dropped down?

A. No, sir; not that I remember. His trousers might have dropped down during the punishment.

Q. (By Mr. DAVIS.) Did you not swear to the sub-committee before, that you carried that pistol with you when you were taking Hector with you to the barn and held it up to his head?

A. No, sir, not that I remember of, because I did not do such a thing.

Q. (By Mr. TOMPKINS.) Hector said you did?

A. I told you I used the revolver in the shop to quiet the boys, as I could not put them at their work; but I did not use it in taking him from the shop to the barn.

Q. (By Mr. DAVIS.) You did not have it in your hand at all?

A. Not after I put it in my pocket. I think I put it in while I was coming down-stairs.

Q. (By Mr. ALLEN.) What is Hector's age?

A. I think he is 19.

Mr. TOMPKINS. He is 18 years of age.

Q. Will you swear that not only his jacket and shirt were removed, but that his trousers did not come down around his feet and leave his entire body exposed?

A. I cannot swear to that, but I know his pants were up most of the time; they might, during the struggle, have got down around his hips.

Q. When you flogged him with the harness-trace, was he standing or lying on the floor?

A. He was both standing and lying on the floor.

Q. (By Mr. WASHBURN.) Do you mean the piece of trace that is before you?

A. Yes, sir.

Mr. WASHBURN. I am surprised that a man who is a member of the Suffolk Bar should persist in calling that a trace instead of calling it a piece of a trace. Why not call it a piece of a trace? These gentlemen, in making up their reports, if they took your language, would make it out that these boys were flogged with a harness-trace, and, it appears in the report of the stenographer that a harness-trace has been used in flogging boys here, whereas you mean to say a piece of a harness-trace. Now, if he said a piece of a harness-trace, would it be fair to call it a harness-trace?

Mr. ALLEN. I understood it was taken at its whole length, at the time when he took it down from the barn.

Mr. WASHBURN. Not at all, and there is, probably, where you are doing the injustice.

Mr. RAWSON. I made the statement: I cut it from a trace in the corn-chamber.

Mr. ALLEN. Now, I understand that he used a piece of a harness-trace.

The CHAIRMAN. Just as it is now.

Mr. WASHBURN. I do not think anything is gained by not being fair.

Mr. ALLEN. I am glad to have you say it.

Q. (By Mr. ALLEN.) In what position was this boy, Hector, when you flogged him with the piece of a harness-trace, which was made of two strips of leather sewn together, with double edges, and about that length [holding up the piece of trace]? Did you strap him, while on the floor, with this piece of harness-trace?

A. I think I did.

Q. Did you strike him hard?

A. No harder than at any other time. Perhaps I struck him hard every time I struck him. I never play with boys when I punish them.

Q. Will you swear you did not strike him more than once on the floor?

A. I cannot say.

Q. Did you not strike him a number of times while he was on the floor?

A. I cannot say.

Q. How came he on the floor? Did you throw him down?

A. I did.

Q. I understand you to say that you flogged Sullivan and Flynn with this piece of a harness-trace, too?

A. Yes, sir.

Q. And their offence was whispering in the shop?

A. Yes, sir; carrying it on in direct opposition to my orders.

Q. How far were they stripped when you flogged them?

A. Their shirts and pants were on; their shirts were carried up to their backs, and their pants were on their hips, and their backs were exposed between their shoulders and hips.

Q. What is the age of Sullivan?

A. I do not know.

Mr. HYDE. They have been in and given their ages.

Mr. ALLEN. I want it right here.

Mr. TOMPKINS. He was 16 years old; I think from 15 to 16.

Q. (By Mr. ALLEN.) Did you report this to the superintendent?

A. I think I reported it to him the next day.

Q. Did you make a report in writing of any one of these punishments?

A. No, sir; I did not.

Q. Do you think that is a proper punishment for boys of that age for that offence?

A. I do not now consider it a proper punishment; but under the circumstances, at that time, I thought it was.

Q. You had heard, then, at that time, of boys being punished on the bare back for some offences?

A. Yes, sir.

Q. Did you hear of their being punished in that manner for whispering?

A. I do not know as I did for that particular disobedience.

Q. You have remained in the employ of the institution ever since?

A. Yes, sir.

Q. And been in charge of the Peters House since you reported this to the superintendent?

A. Yes, sir.

Q. You have been in charge of some thirty boys?

A. Twenty-five boys is the number at the Peters House. The house was not full at that time; I think there were twenty-three there then.

Q. (By the CHAIRMAN.) I believe you said, Mr. Rawson, that the superintendent told you, if you had any further trouble with the boys, to report it at the main building?

A. To report it either to him or to Mr. Campbell.

Q. When, after that, did you have charge of the Peters House?

A. It was, I think, about two weeks after that, I cannot tell certain; it was one Friday or Saturday.

Q. One day?

A. Two days, Friday and Saturday.

Q. Who was the superintendent of the house?

A. Mr. Morse.

Q. He was absent at the time?

- A. He was absent these two days.
 Q. (By Mr. WASHBURN.) I wanted to ask whether you took your revolver both days, or only the second day?
 A. I think it was in my pocket the first day, but I could not swear to it?
 Q. It was the second day?
 A. Yes, sir; I used it on the second day.
 Q. Did you ever hear of an assault by Watson which he made upon one of the officers?
 A. Yes, sir; I was told of that when I first came to the institution.

JOHN BROWN—*Sworn.*

- Q. (By the CHAIRMAN.) How long have you been in this institution?
 A. Five years.
 Q. Are you going to leave it?
 A. No, sir.
 Q. Where are you from?
 A. East Cambridge.
 Q. Have you been here all this time?
 A. I have been absent some five or six months.
 Q. And returned again?
 A. Yes, sir.
 Q. What part of the institution are you now in?
 A. The steam-mill.
 Q. That is away from the main building?
 A. Yes, sir. I have been there twenty-one months.
 Q. Have you been punished in the institution?
 A. Yes, sir; some.
 Q. When were you punished last?
 A. Two years ago last January.
 Q. What were you punished with?
 A. I was put into the lodge.
 Q. How long did you remain there?
 A. About seven days?
 Q. Do you remember what you were put in for?
 A. Yes, sir; for making a noise in school.
 Q. Did you continue to make noises after being put in the lodge?
 A. No, sir.
 Q. You were fed, how often, in the day?
 A. Twice a day.
 Q. What did you have?
 A. Bread and water.
 Q. Plenty of bread?
 A. Yes, sir.
 Q. Have you been punished at any other time?
 A. No, sir.
 Q. That is the only punishment you ever received?
 A. Yes, sir; that is, within the last three years.

Q. Previous to the last three years, do you remember of having been punished?

A. I was strapped.

Q. By whom?

A. Mr. Curtis.

Q. On your hand?

A. Yes, sir.

Q. Anywhere else?

A. No, sir.

Q. How many blows; do you remember?

A. No, sir; I do not.

Q. Was it a very severe punishment?

A. No, sir; not very severe—nothing I didn't get over in a short time.

Q. Did you think, at the time, you deserved it?

A. Yes, sir.

Q. Did you think, at the time, you deserved punishment in the lodge?

A. Yes, sir.

Q. Did you ever receive any punishment that you did not deserve?

A. No, sir.

Q. Do the officers of the institution treat you well?

A. Yes, sir, always; if I behave myself.

Q. Is there any officer here who has not treated you well?

A. No, sir.

Q. (By Mr. HYDE.) Were you proposing to go away this afternoon?

A. Yes, sir; to go home.

Q. To return here again?

A. Yes, sir.

Q. You were going home on a visit?

A. Yes, sir.

Q. (By the CHAIRMAN.) Do you belong to the "tried and true," or any of these organizations?

A. No, sir.

Q. Bible class?

A. No, sir.

Q. You try to do about as well as you can?

A. Yes, sir.

Q. Well, it is a pretty good school for you?

A. Yes, sir.

The CHAIRMAN. Well, I hope you will be improved by it.

Q. (By Mr. DAVIS.) You are down here in charge of the steamer?

A. Yes, sir.

Q. (By Mr. HYDE.) You mean of the boiler-room?

A. Yes, sir.

Q. You are under the charge of whom?

A. Mr. Clark, the engineer.

Q. Then he is really all the man you are responsible to, directly?

A. Yes, sir.

Q. Do you have a good time there?

A. Yes, sir; but I have to work pretty hard.

Q. There are not many boys who could fill that position ?

A. No, sir.

Q. You get some pay for it ?

A. I get \$10 a month extra.

Mr. HYDE. I wish it was \$20.

WILLIAM H. CAMPBELL—*Sworn.*

Q. (By the CHAIRMAN.) How long, William, have you been in the institution ?

A. I have been here about twenty-eight months altogether, sir.

Q. Have you been away during that time ?

A. Yes, sir.

Q. How long were you absent ?

A. I was away about seven months.

Q. In a place, somewhere ?

A. No, sir ; I went home.

Q. They permitted you to go home, did they ?

A. Yes, sir.

Q. And you returned, and have been here since that ?

A. Yes, sir.

Q. How old did you say you were ?

A. I was 18 the first of last month.

Q. Where are you from ?

A. From Fall River, sir.

Q. Well, I suppose you are like a great many other boys ; have you ever been punished ?

A. Yes, sir ; once.

Q. How long ago was that ?

A. Two years ago, sir.

Q. Do you remember what you were punished for ?

A. Saucing an officer.

Q. Being impudent to an officer ?

A. Yes, sir.

Q. What was the punishment ?

A. He put me in the lodge.

Q. How long did you remain in the lodge ?

A. Five days.

Q. Were you fed ?

A. Yes, sir.

Q. Did you think then, and do you think now, that you deserved to be punished ?

A. Yes, sir.

Q. Have you been treated well by the officers of this institution ?

A. Yes, sir ; I have.

Q. Have you any fault to find with any of the officers of the institution ?

A. No, sir.

Q. Do you think your being at this school has been a benefit to you ?

A. Yes, sir.

Q. I see you have a badge; what is that badge?

A. "Tried and true," sir.

The CHAIRMAN. Well, that signifies a great deal; I am glad you keep that position.

Q. (By Mr. HYDE.) Have you been allowed to go outside the main building?

A. Yes, sir.

Q. For what purpose?

A. To go after evergreen.

Q. With how many boys?

A. Sometimes five or six.

Q. (By Mr. DAVIS.) Do you know of any other boys being punished?

A. Yes, sir; but I do not know what they have been punished for.

Q. How do you know of their being punished?

A. With a strap, sir.

Q. On their bare backs?

A. No, sir.

Q. Have you known of any cases where they were punished on their bare backs?

A. No, sir.

Q. In the sweat-box?

A. Yes, sir.

Q. How many boys have you known to be put in the sweat-box?

A. Two, I believe.

Q. You think your being here has done you a great deal of good?

A. Yes, sir.

Q. You have tried to be a good boy all of the time?

A. Yes, sir.

Q. And that makes you improve?

A. Yes, sir.

Q. (By Mr. HYDE.) You left some time last year, didn't you?

A. Yes, sir.

Q. You came back again last fall? How did you happen to come back?

A. I could not find any work, so I thought I would come back and keep out of trouble.

Q. You came back of your own accord?

A. Yes, sir.

JOHN REARDON—*Sworn.*

Q. (By the CHAIRMAN.) How old are you, John?

A. Sixteen about, the 11th of next June.

Q. How long have you been here?

A. I have been here three years the 26th of June.

Q. Where are you from?

A. Lawrence.

Mr. PRESCOTT. Can't we have some boys we have called for?

Mr. HYDE. You are having them. I understood this was a boy you had called for.

Mr. WASHBURN. I want the boy Daly very much.

Mr. DAVIS. I have got 14 boys I want to call.

Q. (By the CHAIRMAN.) Were you ever punished for any offence in this institution?

A. Yes, sir.

Q. How long ago was it that you were punished?

A. The last time, I believe, was about six months ago.

Q. What were you punished for six months ago?

A. Whispering, I believe.

Q. Who punished you?

A. Mr. Wheatley.

Q. How did he punish you, John?

A. On the hand.

Q. With the strap?

A. Yes, sir.

Q. Did you whisper after that?

A. Yes, sir.

Q. Did he punish you again?

A. No, sir; he didn't catch me.

Q. Your punishment didn't do you much good, did it?

A. It did me good for a while.

Q. Were you punished before that?

A. Yes, sir.

Q. What was that for?

A. I cannot remember.

Q. Was it a punishment with the strap?

A. Yes, sir.

Q. Did that do you any good?

A. Yes, sir.

Q. Were you ever punished in any other way than with a strap?

A. Yes, sir.

Q. How?

A. I was put in a strait-jacket.

Q. In the cloth jacket?

A. Yes, sir.

Q. How long were you in it?

A. Three hours.

Q. What was that for?

A. Firing a button across the sewing-room.

Q. Well, did that do you any good?

A. Yes, sir.

Q. You didn't fire any more buttons, then?

A. No, sir.

Q. Did you think that was a very hard punishment?

A. No, sir; I deserved it.

Q. What should you think was the most severe,—the strait-jacket three hours, or punishment on the hand?

A. I do not know; neither of them were very severe.

Q. Were you ever punished besides that, at any other time?

A. Yes, sir.

Q. How were you punished?

A. In the sweat-box.

Q. What were you put in the sweat-box for?

A. I had done something, and I would not own up to it.

Q. You told a lie?

A. Yes, sir.

Q. How long were you kept in the sweat-box?

A. From two to five o'clock.

Q. Was that a very hard punishment?

A. No, sir; not very.

Q. Did you go to sleep in the box?

A. No, sir.

Q. Which do you think was the hardest,—the strait-jacket, or the sweat-box?

A. The sweat-box.

Q. Did that make you a better boy?

A. Yes, sir.

Q. Do you think you were punished any harder than you ought to have been?

A. No, sir.

Q. Not any of these times?

A. No, sir.

Q. Do you think, if you do these things again, you ought to be punished?

A. Yes, sir; but I do not mean to do them.

Q. How long do you think you are going to keep that resolution?

A. While I am here.

Q. While you are here, in this room?

A. No, sir.

Q. In the institution?

A. Yes, sir.

Q. (By Mr. DAVIS.) You think the punishments did you good, don't you?

A. Yes, sir.

Q. You whispered, and was punished for it?

A. Yes, sir.

Q. Then you whispered again?

A. Yes, sir.

Q. Then you ought to have been punished again?

A. They didn't catch me.

Q. Then the strapping prevented your repeating the whispering again, did it?

A. It did for a while.

Q. Then you fired a button across the sewing-room, and was put in the strait-jacket?

A. Yes, sir.

Q. You got enough of it?

A. Yes, sir.

Q. You got enough of the strait-jacket, too?

A. Yes, sir.

Q. You were put in the sweat-box?

A. Yes, sir.

Q. Did it squeeze you up much?

A. No, sir.

Q. Plenty of room?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Are you one of the privileged boys of the house?

A. Yes, sir; I am a "tried and true" boy.

Q. You come and go about as you have a mind to; that is, you have a free run of the house?

A. Yes, sir.

Q. Did you know the Gartland boy?

A. Yes, sir.

Q. Did you know anything about his punishment?

A. Yes, sir.

Q. Were you in the same class?

A. No, sir; I believe he was in the second class.

Q. You were not in the room with him that afternoon?

A. Yes, sir; he said he would die on the gallows for some of the officers here.

Q. (By Mr. WASHBURN.) Said what?

A. He said he would die on the gallows for some of the officers here, if they kept on.

Q. (By the CHAIRMAN.) Tell us what the Gartland boy said.

A. He said he would die on the gallows for some of the officers here.

Q. (By Mr. GILBERT.) Did you hear him say that?

A. Yes, sir.

Q. (By Mr. TOMPKINS.) What did you understand he meant by it?

A. That he would kill some of the officers, I suppose.

Q. (By Mr. ALLEN.) When did he say that?

A. In school.

Q. (By Mr. PRESCOTT.) Do you know anything about Gartland's punishment?

A. No, sir; I do not.

Q. (By Mr. ALLEN.) To whom did he say that?

A. To Mr. Rice, the teacher.

Q. Did you hear him?

A. Yes, sir.

Q. What was the beginning of the trouble?

A. He failed in his lesson, and Mr. Rice asked him why he did not have it. Mr. Rice asked for an excuse, and Gartland swore at him, and fired his book at him. Mr. Rice did not say anything, but they had a little talk, and then he fired the book at him.

Q. Where was Mr. Rice?

A. In the school-room.

Q. How near to Gartland?

A. From here to there. [Across the table.]

Q. How near were you?

A. I was sitting in the other room.

Q. (By Mr. HYDE.) You are a little bit roguish?

A. Yes, sir; sometimes.

Q. Just look out that it don't get the best of you. You intend to do as well as you can?

A. Yes, sir.

Col. SHEPHERD. I wish to introduce four boys of the institution, to show you the extremes as to their age and size of the class of boys we have in this institution.

THOMAS DALY—*Sworn.*

Q. (By the CHAIRMAN.) How old are you, Thomas?

A. Going on 14.

Q. How long have you been here?

A. Going on 10 months.

Q. Where did you come from?

A. From Lynn.

Q. Well, have you been a pretty good boy?

A. Yes, sir.

Q. What part of the institution do you belong in?

A. The fourth school.

Q. Have you been promoted since you have been here?

A. Yes, sir.

Q. From the third school?

A. From the fifth.

Q. What will be the next promotion you will get?

A. To the third school.

Q. Are you trying to get into the third room?

A. Yes, sir.

Q. Are you trying to do as well as you can here?

A. Yes, sir.

Q. Have you been punished since you have been in the institution?

A. Yes, sir.

Q. How long ago?

A. Quite a long time ago.

Q. You have been here 10 months, you say?

A. Yes, sir.

Q. Was it when you first came, do you think, or soon after?

A. It was about three or four months ago.

Q. I suppose you had done some wrong thing, had you not?

A. I had been whispering.

Q. In school?

A. Yes, sir.

Q. Did you know it was against the rules?

A. Yes, sir.

- Q. Did you whisper a good many times ?
A. No, sir.
Q. Only this once ?
A. I had whispered before, but the teacher did not see me.
Q. This was the first time you were caught ?
A. No, sir ; I had been caught in the shop.
Q. Who punished you ?
A. Mr. Cummings punished me in the shop.
Q. For whispering ?
A. Yes, sir.
Q. How did Mr. Cummings punish you ?
A. On the hands.
Q. With a strap ?
A. Yes, sir.
Q. How many blows did he strike you ?
A. Five or six.
Q. Well, did it make you a better boy ?
A. No, sir ; not much better.
Q. It did not do much good ?
A. No, sir.
Q. How long after that did you whisper again ?
A. Before that I had whispered.
Q. And before that you had been punished ?
A. Yes, sir.
Q. Who by ?
A. Mr. Wood.
Q. Was that for whispering ?
A. Yes, sir.
Q. How much did Mr. Wood punish you ?
A. A good deal, sir.
Q. On your hands ?
A. No, sir.
Q. Whereabouts ?
A. On my back and legs.
Q. Did you have your jacket on ?
A. No, sir.
Q. Jacket off ?
A. Yes, sir ; and pants.
Q. Did you not have anything on ?
A. My shirt.
Q. Nothing but your shirt ?
A. That was all.
Q. How many times did he punish you ?
A. Once.
Q. How many blows did he strike you ?
A. As many as 25.
Q. Do you know that ?
A. Yes, sir.
Q. Were you a better boy after that ?

A. Yes, sir.

Q. Do you think he punished you too hard?

A. Yes, sir.

Q. Then, you think, if he had punished you less, you would have been just as good a boy?

A. Yes, sir.

Q. The next time afterwards was when Mr. Cummings punished you on the hand, and you say you do not think that did you any good?

A. Yes, sir.

Q. What did Mr. Wood punish you for?

A. Whispering in school.

Q. That was the same offence Mr. Cummings punished you for?

A. Yes, sir.

Q. Since Mr. Cummings punished you, have you been punished?

A. No, sir.

Q. Not at all?

A. No, sir.

Q. Have you been a better boy ever since?

A. Yes, sir.

Q. Never been put in the lodge?

A. No, sir.

Q. Or sweat-box?

A. No, sir.

Q. Have you been punished in any other way?

A. No, sir; except on the centre-table.

Q. Have you stood up by the centre-table?

A. Yes, sir.

Q. Made to stand up there?

A. Yes, sir.

Q. Was that a very hard punishment?

A. No, sir.

Q. Do you think Mr. Wood punished you too hard, harder than you ought to have been punished?

A. Yes, sir.

Q. Do you think Mr. Cummings punished you harder than you ought to have been punished?

A. No, sir.

Q. (By Mr. HYDE.) Let me understand what you mean by being put on the centre-table?

A. Put on bread and water.

Q. How long?

A. Perhaps for a week, nights.

Mr. WASHBURN. I supposed he stood upon the table in the centre of the room.

Mr. HYDE. They stand by the centre-table with bread and water, instead of having the regular ration; instead of sitting down in the dining-room, they stand up.

Q. (By Mr. HYDE.) You had your regular meals in the morning, and stood up to your bread and water at night?

A. Yes, sir.

Q. You had all the water you wanted, did you not?

A. Yes, sir.

Q. And bread too?

A. No, sir.

Q. You were kept short of bread?

A. Yes, sir.

Q. How much bread did you have?

A. A slice.

Q. (By the CHAIRMAN.) You said that it was three or four months ago that Mr. Cummings punished you?

A. Yes, sir.

Q. How long before that did Mr. Wood punish you?

A. That was about four months ago Mr. Wood punished me.

Q. Who punished you first,—Mr. Wood or Mr. Cummings?

A. Mr. Wood.

Q. You think it was four months ago Mr. Wood punished you?

A. Yes, sir.

Q. You are sure, are you?

A. Yes, sir; I guess it was as long ago as that.

Q. How long was it after you came into school Mr. Wood punished you, should you think?

A. Well, the teacher put my name down on the book, and the next morning she gave it to him, and he called me out.

Q. How long after you came out here to Westborough before you were punished at all?

A. I was here six months before Mr. Wood punished me.

Q. That was your first punishment?

A. Yes, sir.

Q. What was your next punishment for?

A. For cutting my name in the desk.

Q. Who punished you that time?

A. Mr. Bigelow.

Q. Well, how did Mr. Bigelow punish you?

A. With a rattan.

Q. Whereabouts?

A. On the hands.

Q. Did you think that was more than you ought to have had?

A. No, sir.

Q. Well, what was your next punishment after that?

A. By Mr. Cummings.

Q. How did Mr. Cummings punish you?

A. On the hand.

Q. With what?

A. With the strap.

Q. When was the next time, do you think?

A. By Mr. Phillips.

Q. What did Mr. Phillips punish you for?

A. For whispering in school.

- Q. How did he punish you ?
A. With a horse-tug.
Q. Such as that you see before you ?
A. Yes, sir.
Q. Was that a very hard punishment ?
A. Yes, sir.
Q. Did you think it was too hard ?
A. Yes, sir.
Q. Did you think you deserved it ?
A. Yes, sir.
Q. Then the next time, who punished you ?
A. Mr. Cummings again.
Q. Well, how did Mr. Cummings punish you the next time ?
A. For whispering.
Q. How did he punish you ?
A. On my hands
Q. With what ?
A. A strap.
Q. Was that a severe punishment ?
A. No, sir.
Q. Do you think you deserved it ?
A. Yes, sir.
Q. You seem to have a pretty good memory. When was the next time ?
A. By Mr. Wood.
Q. That was the time Mr. Wood punished you, that you spoke of ?
A. Yes, sir.
Q. How did he punish you that time ?
A. Across the back and legs.
Q. With a strap ?
A. Yes, sir.
Q. What was it you said you had done ?
A. Whispered in school.
Q. Then you have been punished a good many times ?
A. Six times.
Q. It did not seem to do you much good, did it ?
A. No, sir.
Q. I am afraid you made the teachers considerable trouble, did you not ?
A. Yes, sir.
Q. A little roguish, are you ?
A. Yes, sir.
Q. Are you trying to be a better boy ?
A. Yes, sir.
Q. It is some three months since you were punished ?
A. Yes, sir.
Q. Mr. Wood punished you last.
A. Yes, sir.
Q. That last punishment seemed to do you the most good ?
A. Yes, sir.

Q. Do you think that punishment by Mr. Wood was too hard?

A. Yes, sir.

Q. Why?

A. I could not sit down.

Q. You seem to have been longer without punishment now than at any time previously. Was it because you thought you were punished severely by Mr. Wood, that caused you to keep out of mischief?

A. Yes, sir.

Q. Do you really think so?

A. Yes, sir.

Q. Do you really think that, because of Mr. Wood's punishment, you kept out of mischief?

A. Yes, sir.

Q. And yet you think it was too hard?

A. Yes, sir.

Q. Do you mean it was too painful?

A. Yes, sir.

Q. Well, do you think the many times you had whispered, and been punished, that this punishment was more than you deserved?

A. Yes, sir.

Q. You think he ought not to have punished you so hard?

A. Yes, sir.

Q. (By Mr. TOMPKINS.) You say Mr. Phillips punished you with a tug?

A. Yes, sir.

Q. Now, who do you think punished you the hardest?

A. Mr. Wood.

Q. Did he punish you harder than Mr. Phillips?

A. No, sir.

Q. Did you consider Mr. Phillips a hard man?

A. No, sir.

Mr. TOMPKINS. And yet he punished you, as you thought, too severely?

Q. (By Mr. PRESCOTT.) I understand you have not been punished for three months?

A. I think it is three months.

Q. When you were punished by Mr. Wood, were you punished on the bare back?

A. Yes, sir.

Q. Your pants taken down, and your shirt turned up?

A. Yes, sir.

Q. On what part of your back?

A. On my back and legs.

Q. Were you punished on the upper part of your back?

A. From my shoulders down.

Q. Did you bear any marks?

A. Yes, sir.

Q. How long did you carry the marks?

A. For over a week.

Q. Did you ever know any other boys being punished and carrying the marks of it afterwards?

A. Yes, sir.

Q. Who?

A. Crowley, Fernald, Barry and Coughlin.

Q. How were these boys marked?

A. Black and blue.

Q. Where?

A. Across the legs.

Q. Any of them on the back?

A. Yes, sir.

Q. And buttocks?

A. Yes, sir.

Q. How long did they carry these marks?

A. One boy carried them two weeks.

Q. You never knew any boy to be punished so that the skin was broken, did you?

A. Yes, sir.

Q. Who?

A. Young.

Q. Who was he punished by?

A. Mr. Wood.

Q. When was that?

A. When he first came here.

Q. Is this the gentleman who sits here? Is this the Mr. Wood you mean?

A. Yes, sir.

Q. Did you ever know any other boy that was punished so that blood was drawn on him?

A. McKay.

Q. Who was he punished by?

A. He was not punished; he was choked.

Q. By whom?

A. By Mr. Wood.

Q. When was that?

A. One night after school.

Q. How long ago was it?

A. A little while after I was up here.

Q. (By Mr. GILBERT.) Did you see it, or did some one tell you?

A. No, sir; I saw it; the whole school saw it.

Q. Describe it.

A. McKay asked Mr. Wood a question, and he asked him roughly. Mr. Wood asked him to come out just as soon as he could, and he asked him, "What did you ask in that way for?" McKay swore, and said, "I am not going out there," and he went and got his slate and was going to fire it at Mr. Wood. Mr. Wood ran out and got some other officers, and as soon as the others came, he got hold of him and choked him, and he gave him a punch in the eye and blacked his eye for him.

Q. Who did?

A. Wood.

Q. Did you see him strike him in the eye?

A. Yes, sir.

Q. (By Mr. WASHBURN.) What did you say he tried to do to Mr. Wood?

A. He fired a slate at him.

Q. (By Mr. TRAIN.) Did you say he punched him or struck him?

A. Punched him.

Q. (By Mr. PRESCOTT.) Have you ever seen boys punished severely yourself?

A. No, sir.

Q. Have you known of any boys being confined in the sweat-box?

A. Yes, sir.

Q. Who do you know to have been confined in the sweat-box?

A. Lombey and Whalen.

Q. (By Mr. GILBERT.) Did you see them?

A. No, sir; you cannot see them.

Q. (By Mr. PRESCOTT.) Who else?

A. Buchan.

Q. (By Mr. DAVIS.) William Buchan?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Any others you think of?

A. I cannot think of them, there are so many; there are some up there every day.

Q. How do you know?

A. I see them go up.

Q. Are you in a position where you can see them taken up?

A. Yes, sir; I come out of the shop and other places where they are.

Q. How long have you known boys to be kept there?

A. The longest I know is two weeks.

Q. Who was kept there two weeks?

A. Whalen.

Mr. WASHBURN. Put his name down.

Mr. PRESCOTT. I am going to.

Q. (By Mr. PRESCOTT.) When these boys have been in the sweat-box, did you see them come out?

A. Yes, sir.

Q. Did you see any marks on them?

A. No, sir.

Q. How did it affect them?

A. They got weak standing up all the time.

Q. In what condition were they?

A. They looked red.

Q. Their faces?

A. Yes, sir; their faces.

Q. (By Mr. TRAIN.) Were they hungry?

A. I guess they were.

Q. (By Mr. PRESCOTT.) Did you ever see the officer strike a boy by the name of Martel?

A. Yes, sir.

Q. Who was it?

A. Mr. Bigelow.

Q. Do you mean to say you saw Officer Bigelow strike a boy named Martel?

A. Yes, sir.

Q. How large is he?

A. Quite a large boy.

Q. How did he strike him?

A. Punched his face.

Q. When was that?

A. One day about five o'clock.

Q. How long ago?

A. Five months.

Q. (By Mr. ALLEN.) With his fists?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) What for?

A. Whispering, I think, when the boys were changing their stockings?

Q. Did he strike the boy a hard blow?

A. Hard enough to make him cry.

Q. Is Martel here now?

A. Yes, sir.

Q. What do you know about the riot they had in the middle of last January? Were you in the dining-room when Collins threw the bowl?

A. Yes, sir.

Q. What did Officer Bigelow do then?

A. He run and got his coat and put it in front of him, so that they would not strike him.

Q. What do you understand Collins threw this bowl at Bigelow for?

A. For going into the water-closet. The water-closet was closed, and he did not look, and gave him a slap, and told him to get out.

Q. (By Mr. GILBERT.) Did you see him?

A. No, sir.

Q. (By Mr. PRESCOTT.) Do you know of any boys who did see Bigelow strike Collins?

A. No, sir; there were a lot of boys talking about it.

Q. You saw a lot of boys talking about it? Do you know of any boy that saw Bigelow strike Collins?

A. No, sir.

Q. Well, that was the talk of the boys in the yard, was it?

A. Yes, sir.

Q. (By Mr. ALLEN.) Who choked McKay?

A. Mr. Wood.

Q. The gentleman who sits within three feet of you?

A. Yes, sir.

MR. HYDE. One of your witnesses, Danihy, has gone to the house of correction.

CHARLES WELCH—*Sworn.*

Q. (By Mr. PRESCOTT.) What is your name?

A. Charles Welch.

Q. Where are you from?

A. From Boston.

Q. Are you at one of the outside houses?

A. No, sir.

Mr. PRESCOTT. Is there a James Welch in this institution?

Col. SHEPHERD. I do not know of any at the present time.

Mr. PRESCOTT. How long has James Welch been away from here?
It was James Welch of the Garden House that I called for.

Mr. HYDE. That is what I called for.

Mr. PRESCOTT. This is not the boy I called for.

Mr. HYDE. There is no James Welch in the institution.

Q. (By Mr. PRESCOTT.) How old are you?

A. Eighteen last January.

Q. How long have you been here?

A. Five months the 18th of this month.

Q. You have conducted yourself well here, and have not received any
punishments, I hope?

A. No, sir.

Q. (By Mr. DAVIS.) I want to know just how old you are?

A. I was 18 last January.

Q. Where did you come from?

A. Boston.

Q. Who sent you here?

A. Mr. Fallon.

Q. Did you give your age there as you give it here now?

A. Yes, sir.

Mr. DAVIS. I would like to have you take that down, and see if it
stands so in the evidence.

Mr. TOMPKINS. What will it amount to?

Mr. DAVIS. Just this, that the law says you cannot send anybody here
as old as this boy says he is.

The CHAIRMAN. You are excused.

Mr. HYDE. We have only six more boys, and if you will fill out your
list, I will be obliged to you.Mr. DAVIS. I will read the names as far as I have them: Callahan,
Condon, Burns, Cowhey, Theodore Johnson and William Brigham; Bu-
chan and Whalen.

Mr. TOMPKINS. Had we better not have Tom Collins?

Mr. DAVIS. Then there is Clark, Miller, Ludden, Manning and Lutz.

Mr. WASHBURN. You have *Lutz* of them.Mr. PRESCOTT. I have two names I would like to suggest; John Don-
ovan and McDermott.

Mr. DAVIS. Had Young, also.

Mr. PRESCOTT. I have several more, but that is enough for the present.

Mr. HYDE. Now, I respectfully submit there is no disposition to limit
any investigation that is going to throw any light on this matter; but is

it worth while to be calling boys at random from the whole school? You must remember one thing, that in calling in a great number of boys you are only rendering the duties of these teachers much more difficult, and putting upon them a difficult task. Now, you have the privilege of calling everybody in the school at random, but it seems to me that you may call at random in a sort of fishing-expedition way and accomplish no result. We have gone through with the list of boys that were examined by the sub-committee. We have got a list of some six or eight more, and now here is a list of something like 15 more.

Mr. ALLEN. Does that comprise all that are wanted?

Mr. HYDE. No, sir; they say they have got still more.

Mr. PRESCOTT. It will of course depend on how much time it takes, but I have not called any boy at random here, at all. The several boys' names I have given you are the names of boys whose punishment has been brought into the investigation. Some of them are mentioned in these reports of punishments, and some of the boys have been mentioned by the others. I thought it might be proper to have the boys here, and have these statements corroborated.

Mr. HYDE. I have no objection to calling boys to any extent, only you must remember that the day is slipping away, and it is better to call in some one who is an important witness.

Mr. TRAIN. It would seem to be natural to have some reasons from Mr. Allen and Mr. Prescott for calling the boys; and if for general information, let the Committee decide whether they will have them or not. I do not want to stand in the light of any investigation. If there is any points to be illustrated or described, let us have them.

Mr. ALLEN. I have only mentioned one boy.

Mr. WASHBURN. I think that any boy who is asked for by this general Committee, in good faith, should be sent for. Of course, what Mr. Hyde says is very reasonable, and it is undoubtedly true, but I do not think gentlemen would trifle with the time of the Committee.

Mr. HYDE. You have all the time there is, but your time is limited, and you cannot hear all these boys; and if your time is limited, you should call those boys you especially wish to hear.

Mr. WASHBURN. You simply ask that these gentlemen make out their lists?

Mr. PRESCOTT. I may not wish to hear all these boys whose names I have given; but they are the names of boys which I took from the testimony, and I wanted to ask them with regard to the punishments described by others.

Mr. GILBERT. I would ask if these boys named by Mr. Davis are important?

Mr. DAVIS. When I get a chance to speak, I will speak my piece.

Mr. WASHBURN. Does Mr. Davis seriously ask for these boys?

Mr. DAVIS. I am going to tell you; it comes right in in my speech. Seriously, I am not making light of one of the most serious subjects I have had anything to do with. Seriously, my reasons are these for calling these boys, and I want it understood why I ask for them. I do not propose to take any more time than necessary, but if anybody thinks I am

trifling with this matter they are mistaken. Burns, I want to call because he has been struck by Officer Bigelow; that is what I want him for. Coughlin, Clark, Miller, Ludden, Manning, I want to call because I expect they have been whipped with the strap, and I want to know how seriously they have been whipped. I want to call Lutz because he has been in the sweat-box, and I want to know about that. I want to call this boy Ryan, or Rine, because he has been in the sweat-box and has been strapped, and I want to know how seriously. I want to call Cowhey, Johnson, and Buchan because they are in the lock-up now, and I want to investigate their cases somewhat. I want to call James McKay because he has been assaulted. I want to call Whalen because he has been kept in the sweat-box two weeks, and I want to know what he has to say about it. I have other reasons for every boy that I ask for; but I do not propose, Mr. Chairman, to insist upon calling all these boys. I only ask that we shall be industrious as long as we are here; and in order to be industrious, we must always have something to do.

Mr. WASHBURN. I am temporarily occupying the chair, and am really in favor of your proposition, if you can give any reasons for it; but I wanted to understand it. Now, let us proceed with this next batch of boys.

GEORGE DUDLEY—*Sworn.*

Q. (By Mr. PRESCOTT.) How old are you?

A. Seventeen, the 12th of next September.

The CHAIRMAN. I will ask him a few questions first.

Q. (By the CHAIRMAN.) How long have you been in this school?

A. About 13 months.

Q. Where did you come from?

A. Haverhill.

Q. What part of the institution are you in now—what class are you in, No. 4 or No. 5?

A. I do not know what you mean.

Q. In what school are you?

A. In the second.

Q. What school were you in when you came here?

A. In the fifth school.

Q. Have you been promoted?

A. Yes, sir.

Q. Up to the second?

A. Yes, sir.

Q. That is because you have done well?

A. Yes, sir; I think so.

Q. How soon after you came here were you punished?

A. I had been here seven weeks.

Q. Before you were punished?

A. Yes, sir.

Q. Who punished you then?

A. Mr. Armitage, for talking on the line.

- Q. Did you know it was against the rule when you talked on the line?
A. Yes, sir.
Q. How did Mr. Armitage punish you?
A. With a strap.
Q. How many blows?
A. About 20 in all.
Q. Did you talk in the line after that?
A. No, sir.
Q. Do you think that punishment did you good?
A. Yes, sir.
Q. Do you think you deserved it?
A. Yes, sir.
Q. Are you sure you deserved it?
A. Well, I knew it was against the rule, and when I broke the rules, I expected to be punished.
Q. When was the next time you were punished?
A. About the 12th of November.
Q. The 12th of last November?
A. Yes, sir.
Q. What were you punished for then?
A. Swearing.
Q. That you knew was against the rules?
A. Yes, sir.
Q. Who punished you for that?
A. Mr. Wheatley.
Q. How did he punish you?
A. With a strap.
Q. On your hand?
A. Yes, sir.
Q. Was it a severe punishment?
A. Yes, sir.
Q. Do you think you deserved it?
A. Not all I got.
Q. How many blows did he give you?
A. About 100 on the hands and 50 upon the legs.
Q. One hundred on the hands and 50 on the legs for swearing?
A. Yes, sir.
Q. Well, that did seem pretty severe. Are you quite sure it was as many?
A. Yes, sir; he was strapping me 20 minutes as fast as he could.
Q. Did you resist?
A. I started to go out of the room to ask Mr. Shepherd to let me go into the lodge, rather than take the punishment any longer.
Q. And Mr. Wheatley did not let you leave the room?
A. No, sir.
Q. And you persisted in trying to leave the room?
A. No, sir; I did not. I made one attempt, and then I let him punish me.
Q. And he continued, how long do you say?

- A. About 20 minutes.
- Q. Was that the last punishment you had?
- A. No, sir.
- Q. When was the last one?
- A. About a month after that.
- Q. What was that for?
- A. For combing my hair in the water-closet.
- Q. Was that against the rules?
- A. I don't know, sir.
- Q. Well, you do not know that you were punished for that?
- A. I was punished; I don't know whether it was for that.
- Q. Who punished you for that?
- A. Mr. Bigelow.
- Q. Did he tell you that was what he punished you for?
- A. Yes, sir.
- Q. How did he punish you for that?
- A. On the hand with a strap.
- Q. Then, you say you had broken the rules?
- A. No, sir.
- Q. That was the last time?
- A. No, sir.
- Q. When were you punished again?
- A. The first of February.
- Q. What for?
- A. Telling lies to Mr. Shepherd.
- Q. Who punished you for that?
- A. Mr. Shepherd.
- Q. How did he punish you?
- A. With a strap.
- Q. On the hand?
- A. Yes, sir.
- Q. Do you think it was more severe than you ought to have had?
- A. I don't think I got enough.
- Q. But when Mr. Wheatley punished you, you thought you got more than you ought to have had; and when Mr. Armitage punished you, you thought you ought not to have been punished?
- A. When he punished me, I thought I deserved to be punished for breaking the rules.
- Q. I thought that was the time you were punished for combing your hair in the water-closet?
- A. No, sir; Mr. Bigelow punished me for that.
- Q. You did not know it was against the rules?
- A. No, sir.
- Q. Now, you are sure you are telling the truth?
- A. Yes, sir.
- Q. And that you were punished for combing your hair in the water-closet?
- A. Yes, sir.
- Q. That was all you knew about it?

A. Yes, sir.

Q. Do you think your punishments did you any good?

A. Yes, sir,

Q. All of them?

A. Yes, sir.

Q. Do you think the punishment by Mr. Wheatley did you any good?

A. Well, it kept me from swearing quite a while.

Q. Where did you swear, for which Mr. Wheatley punished you 20 minutes?

A. On the steps, out in the yard, on Sunday morning.

Q. Whom did you swear at?

A. At a boy named Bennett.

Q. You got into some dispute?

A. No, sir; he was pinching me, and I got mad at him, and swore at him.

Q. Was that all?

A. Yes, sir.

Q. Did Mr. Wheatley take you and punish you?

A. Yes, sir.

Q. Did he talk with you?

A. Yes, sir; he asked me if I thought I ought to be punished. I said yes, and he punished me.

Q. He punished you 20 minutes?

A. Yes, sir.

Q. Were you ever in the sweat-box?

A. No, sir.

Q. Were you ever in the strait-jacket?

A. No, sir.

Q. Neither of them?

A. No, sir.

Q. (By Mr. ALLEN.) Do you say that you swore because the boy hurt you in some way.

A. He was pinching me, sir.

Q. Did that make you swear?

A. It made me mad.

Q. Didn't you feel something like swearing when Mr. Wheatley was whipping you?

A. No, sir.

Q. You did not feel like it at all?

A. No, sir.

Q. (By Mr. DAVIS.) Did you feel as though you would like to get away from him?

A. I thought I had better take the lodge two weeks.

Q. (By Mr. PRESCOTT.) How many times were you struck on the hands?

A. About 100.

Q. What makes your hands look so purple?

A. I do not know.

Mr. TRAIN. I have noticed that on all boys here.

- Q. (By Mr. PRESCOTT.) Do they always look so ?
 A. Yes, sir.
 Q. When he punished you across the back, did he take off your jacket ?
 A. No, sir.
 Q. Where did he punish you ?
 A. Around the legs.
 Q. How long was it ?
 A. About 20 minutes.
 Q. Did he leave any marks upon your legs ?
 A. Not as I could see.
 Q. Or on your hands.
 A. My hands were swelled up, and the swelling did not go down for four days.
 Q. Was it on the inside, or back.
 A. On the inside, sir. He told me to hold out my hand.
 Q. What kind of a strap did he use ?
 A. A sole-leather strap ; it was not either of these.
 Q. What do you mean by a sole-leather strap ? Was it a strap something like one of these ?
 A. Yes, sir.
 Q. Was it any heavier than that thin one ?
 A. I do not know sir.
 Q. Do you mean to say your hands were swollen for four days.
 A. I could not do my stint in the shop.
 Q. Could you not get excused from there ?
 A. No, sir ; I had to do what I could.
 Q. Did you make any outcries during your punishment ? Did you holla during your punishment ?
 A. Yes, sir.
 Q. Did anybody come into the room while you were being punished ?
 A. No, sir.
 Q. Have you ever known boys here to be punished very severely ?
 A. I do not recollect any boys that have been punished very severely.
 Q. Do you recollect any boys carrying on their persons marks of severe punishment ?
 A. Yes, sir ; a boy by the name of Bennett, and a boy by the name of Lutz.
 Q. Where did you see the marks on Bennett ?
 A. On his neck, sir.
 Q. How long ago was this ?
 A. About the 12th of February, I think.
 Q. Who was he punished by ?
 A. He said by Mr. Wheatley.
 Q. Did you see him ?
 A. No, sir ; I was in the kitchen at work.
 Q. Did you hear the boy scream ?
 A. No, sir ; he took him into another part of the building.
 Q. When did you see the boy ?
 A. The next day.

Q. What indication of punishment did you see?

A. There was a cut on his neck, and he said Mr. Wheatley had cut him with a strap.

Q. What other boys have you mentioned that you have seen?

A. Lutz.

Q. What did you see on him?

A. I saw his legs all black and blue.

Q. How had he been punished?

A. I do not know, sir.

Q. Was the skin broken in any place?

A. No, sir.

Q. How long ago was that?

A. About two weeks ago, I believe.

Q. Have you ever seen boys that were confined in the sweat-box?

A. Yes, sir.

Q. How long have you known boys to be confined in the sweat-box?

The CHAIRMAN. You need not answer that question.

Mr. ALLEN. Why not, Mr. Chairman?

The CHAIRMAN. The question is, how long he knows boys to have been confined there. Unless the boy knows when he went in and when he came out, he wouldn't be competent.

Mr. ALLEN. I don't know that the Chair can assume that he does not know.

Mr. PRESCOTT. I believe in this investigation, one witness, a trustee of the institution, has been upon the stand two days telling all that he knew and all that he heard, directly and indirectly, and there was no limit one way or the other.

The CHAIRMAN. It was because you and Mr. Allen chose to ask him those questions, and not because anybody else did.

Mr. GILBERT. I understand that he told very little but what he knew, and stated positively, if you wanted to know what he did not know, but only heard, he would state it.

Mr. PRESCOTT. And the Committee told him to go on.

The CHAIRMAN. Because you desired it.

Mr. PRESCOTT. I beg your pardon. The record will show nothing of the sort. I strenuously desisted from asking for any such information.

The CHAIRMAN. You put the question so he can understand it. We do not want a boy's hearsay testimony here with reference to punishments. We have not taken it before, and I do not think it is competent to take it hereafter.

Mr. DAVIS. Such a course of inquiry would lead to further investigation, and give us further witnesses, and an opportunity to examine those witnesses, and see whether or not the statement is corroborated by them.

The CHAIRMAN. We shall never get through this investigation if you follow that plan, until we have examined all the boys of the institution. I think the competent question is to ask the boy if he knows of a boy having been in the sweat-box, if he knew when he went in and when he came out. But we all know that these boys of their own knowledge cannot know of the punishments administered to the other boys, except

as they were administered in their presence, and I think it is entirely incompetent.

Mr. DAVIS. I want to say, if we try to confine this matter down to the strict letter of the law of evidence, we shall be deprived of all the evidence we desire to get, from the fact, Mr. Chairman, that a boy is not punished in the presence of other boys, as a general thing, but is taken away by himself by the one who administers the punishment. I really feel that if the examination is brought strictly within your interpretation, we shall be deprived of knowledge of the very cases we want to search out. As far as having time is concerned, I am willing to work here all night, or until about two or three minutes of 12 o'clock; and I would go further, if it would not be in violation of the spirit and the intention of the day as a fast day. I trust we shall allow everything to be brought out that can be brought out, and that all the opportunities that can be presented will be presented, and that all the latitude will be allowed that can be allowed. Certainly I should be very much in favor of allowing such a question as this.

The CHAIRMAN. I shall rule against any question about punishment being asked boys here who know nothing more about it than what they have heard. Now, you may go on with that, or I shall submit it to the Committee.

Mr. TOMPKINS. I think all of the testimony of the boys we have got to take *cum grano salis*. If we take what they have heard, we shall not leave any boys in the institution that we have not examined.

Mr. ALLEN. Let me suggest, while the subject of shortening the examination is under discussion, that it occurs very strongly to my mind that asking these boys, under the cross-fire of the superintendent and the assistant superintendent, whether they do not think they deserved to be punished, and whether they do not think their punishments were necessary under the circumstances, that the boys answers, under the circumstances, will all be "yes."

The CHAIRMAN. I would suggest that that is a question of opinion.

Mr. PRESCOTT. I am hardly able to understand, for one, why it is that when we are getting directly to the point we desire to investigate, namely, the matter in regard to the punishment and discipline at the State Reform School, that there should be such obstacles thrown in our way of getting at the testimony on this point. We have had some three or four boys brought in before us whom no member of the Committee, so far as I know, has called for. These boys have been the best boys of the institution, tried and true boys, members of the Bible class, and all those boys, who, I suppose, from their conduct, have not been subjected to discipline or punishment in this institution. We assume, as everybody must, that there are certain boys in this institution who have proved themselves worthy of trust, and behaved themselves accordingly, and have not been brought under discipline and punishment in this institution. Now, it seems to me, that the class of boys we want to get at, and the class of boys we want to pay most attention to in our evidence, are those boys who have been punished, and ascertain in regard to the offence, and how they have been punished. I have seen boys brought in here

and questioned 20 minutes at a time, who could deliver a fair oration covering three or four pages in regard to the good features of this institution, and I have not for a single moment objected, but have allowed it to go on without saying a word against it but it seems to me what we want to get at now is that class of boys, who, from their conduct, have rendered themselves subject to punishment; we want to find what that punishment has been.

The CHAIRMAN. There has not been the slightest misunderstanding about it at all. What I object to is your asking boys what they know of other boys' punishments. You can ask them what they know of their own punishments.

Mr. ALLEN. How are you going to confine it to that?

The CHAIRMAN. You have got a list of 20 boys, and you can keep calling them.

Mr. TOMPKINS. I have a motion to make, if I may be allowed. I would move that Mr. Prescott and Mr. Davis call the boys from this time forth, and that we let the other boys go.

The CHAIRMAN. There is no misunderstanding about that, and there is no trouble about it. I only object to asking boys with reference to the punishment of other boys which they did not witness.

Mr. GILBERT. The testimony of this boy was, substantially, that he knew, himself, scarcely anything outside of what others had told him.

Mr. ALLEN. He certainly stated what the teacher and superintendent had told him, and what he had heard.

Mr. GILBERT. Well, that is relative to certain punishments which he saw nothing of, which would be testified to by the superintendent and assistant superintendent in direct testimony.

Mr. DAVIS. The question was, How long have you known boys to be in the sweat-box? and I would ask the consent of the Committee to put that question.

The CHAIRMAN. You can ask him that question.

Q. (By Mr. DAVIS.) How long have you known boys to be confined in the sweat-box?

A. Two days.

Q. How do you know?

A. Because Mr. Shepherd told me, and because he was absent from the school that day.

Mr. DAVIS. That is good evidence.

Mr. ALLEN. That is good evidence.

The CHAIRMAN. That is no evidence, Mr. Allen, and you know it.

Mr. GILBERT. I have no objection to the boy's stating it in connection with the fact that he was absent.

The CHAIRMAN. We can get it by calling the boys.

Mr. ALLEN. I think, when we get the boy's name, the boy is the best witness.

Q. (By Mr. PRESCOTT.) Have you ever been confined in the lodge?

A. No, sir.

Q. Have you seen boys in the sweat-box, or have you seen any particular signs of their having been confined in the sweat-box?

- A. No, sir.
- Q. (By Col. SHEPHERD.) Daly, do you always tell the truth?
- A. No, sir.
- Q. Well, tell the Committee of any time within the past two months when you have not told the truth?
- A. When I lied to you, sir.
- Q. What about?
- A. About Mr. Moore.
- Q. Tell the Committee what you said about him?
- A. I went up to the office and told Mr. Shepherd that Mr. Moore swore.
- Q. Was that the truth?
- A. No, sir.
- Q. What did you tell me concerning him?
- A. That is all I said. I said he swore, and I was punished.
- Q. After you had owned up, what action was taken by the superintendent?
- A. I was brought out into the kitchen before Mr. Moore, and I told lies; then I was put into the dormitory, and stayed two days; then I was brought up again, and I kept on lying about it.
- Q. (By Mr. TOMPKINS.) You kept on lying?
- A. Yes, sir.
- Q. (By Col. SHEPHERD.) When Mr. Moore was brought into your presence, what did you say in answer to a question whether Mr. Moore had sworn or not?
- A. I said he did.
- Q. How long were you and Mr. Moore in the presence of each other when the superintendent asked you about it?
- A. I should judge about ten minutes.
- Q. Did you persist in saying to the superintendent that Mr. Moore swore?
- A. Yes, sir.
- Q. Any day after that time, did you persist in saying that he swore?
- A. Yes, sir.
- Q. When did you finally tell the truth?
- A. After I had been in the dormitory about five days.
- Q. Did you make any written statement concerning that?
- A. No, sir.
- Q. Did you make any written acknowledgment, and give it to the superintendent?
- A. Yes, sir.
- Q. What was it?
- A. It was something like this: Mr. Shepherd, I lied to you for the purpose of getting out of the kitchen; and said I did not like to stay there, and that I did not hear Mr. Moore use profane language in the kitchen. Something like that.
- Q. You brought that up after you persisted five days that Mr. Moore swore?
- A. I got sick of staying in the dormitory.

Q. Do you mean to tell this Committee that you never heard Mr. Moore swear?

A. Yes, sir.

Q. And what you told the superintendent was a lie?

A. Yes, sir.

Q. And you continued to lie for five days?

A. Yes, sir.

Col. SHEPHERD. I will state, Mr. Chairman, that I was interested in this case, because I took that boy's written admission and placed it before the Committee. I have not seen that written admission, and if it is lost, it is the fault of the Committee, and not of myself.

The CHAIRMAN. Well, Daly, I hope you will be a good boy.

Mr. TRAIN. Mr. Allen stated that one boy would be brought before us who had been entirely stripped and flogged. I would like to have that boy's name, and have him brought in before it is time for me to go.

Mr. ALLEN. He is not in the institution.

ELMER LUTZ—*Sworn.*

Q. (By the CHAIRMAN.) How old are you?

A. Eighteen, the 8th of July.

Q. How long have you been here?

A. Four years, the 22d of this month.

Q. Where did you come from?

A. From Haverhill.

Q. What school are you in now?

A. In the first school.

Q. Then you have been promoted, have you?

A. Yes, sir.

Q. That is because you have done well?

A. Because I have got along in my studies.

Q. Are you a better boy than when you first came here?

A. Yes, sir.

Q. Have you been punished at any time?

A. Yes, sir.

Q. Do you remember when you were first punished?

A. No, sir.

Q. Do you remember the last time?

A. Yes, sir.

Q. When was the last time?

A. Two weeks last Monday night.

Q. What were you punished for two weeks ago?

A. For laughing at prayers and winking in the singing class and whispering.

Q. Who punished you for that?

A. Mr. Wood.

Q. How did Mr. Wood punish you?

A. He took me up in my room, after the boys went off, and took off my pants.

Q. Did he punish you upon your buttocks?

- A. On my legs.
- Q. Did he punish you hard?
- A. He gave me eight blows, I think.
- Q. Do you remember the time before that you were punished?
- A. No, sir; I do not.
- Q. Was it a good while before that?
- A. It was a while after the first riot took place.
- Q. Do you mean the riot in January?
- A. Yes, sir.
- Q. Soon after the riot in January last, you were punished?
- A. Yes, sir; the next Monday night after that.
- Q. What for?
- A. For saying that Lewis Otis ought to be thumped for helping the officers when putting down the riot.
- Q. Who did you say that to?
- A. To an officer and a lady.
- Q. How were you punished for that?
- A. My clothes were taken off—all but my shirt.
- Q. Who punished you?
- A. Colonel Shepherd.
- Q. You say it was because you said to a lady teacher that who ought to be thumped?
- A. Lewis Otis.
- Q. For helping the officers to hold the hose?
- A. Yes, sir.
- Q. How hard were you punished at that time by Colonel Shepherd?
- A. He called me up about twenty minutes before the boys went out, and punished me. He stopped twice, and punished me a third time, and when he got through the boys had gone.
- Q. Did he talk with you before he punished you?
- A. He asked me what statement I made, and I told him. He told me to take off my jacket, and I took it off. He told me to take off my pants, and he wound my shirt around his hand up to my shoulders.
- Q. (By Mr. TOMPKINS.) Did he punish you with a strap?
- A. Yes, sir.
- Q. Like one of these?
- A. No, sir; wider.
- Q. Do you remember when you were punished besides these two times?
- A. No, sir; it was a good while before that.
- Q. Do you think you deserved punishment on these two occasions?
- A. Yes, sir; I do.
- Q. Both times?
- A. Yes, sir.
- Q. Did it hurt you severely?
- A. Yes, sir.
- Q. Do you mean the first time, when Colonel Shepherd punished you?
- A. Yes, sir.

Q. Do you think you were punished more severely than you ought to have been punished?

A. No, sir.

Q. You do not?

A. No, sir.

Q. You think you deserved all you got?

A. Yes, sir.

Q. (By the CHAIRMAN.) Have you ever been punished by being put in the sweat-box?

A. Yes, sir; once.

Q. How long ago was that?

A. Last July.

Q. What did you do that you were punished for?

A. Whispered in the sewing-room.

Q. Well, who put you in the box?

A. Miss Currier sent me to Mr. Phillips, and Mr. Phillips put me in?

Q. How long were you kept in there?

A. An hour and fifteen minutes.

Q. Did you think you were severely punished?

A. Yes, sir; I did.

Q. Was it more severe than the strap?

A. No, sir; but I think it was more than I deserved for what I did.

Q. Then you think you ought not to have been put in the box for that?

A. Yes, sir.

Q. Was that the only time you were put in the box?

A. Yes, sir.

Q. How long were you kept in there?

A. An hour and fifteen minutes.

Q. Who took you out?

A. Mr. Phillips.

Q. The same officer who put you in?

A. Yes, sir.

Q. What time were you put in?

A. About 1 o'clock, and took out at a quarter past 2.

Q. What made you think it was more of a punishment than you deserved?

A. Because other boys in the same room were laughing and whispering, and were not punished.

Q. Well, if they had been punished, should you have thought you were punished too hard?

A. No, sir; I don't think I should.

Q. Then, the reason you think you were punished too hard was because other boys were not punished at the same time?

A. Yes, sir; for the same thing.

Q. That is the only time that you were put in the box, you say?

A. Yes, sir.

Q. Were you ever in the lodge?

A. No, sir.

- Q. Are you generally treated kindly in the school?
- A. Yes, sir; I am.
- Q. Were you ever treated any other way than kindly?
- A. No, sir.
- Q. (By Mr. ALLEN.) Do you mean to say that, for what you said to that lady teacher, you ought to have been thrashed in the way you were?
- A. Yes, sir; I do.
- Q. Did you think so, then?
- A. No, sir; but after I thought it over.
- Q. About when did you begin to think so?
- A. I thought so soon after the punishment. I thought I had done wrong, and I asked Mr. Shepherd to forgive me.
- Q. When did you ask his forgiveness?
- A. After he got through.
- Q. Did you cry out while he was punishing you?
- A. Yes, sir.
- Q. Did you say he punished you, and then left off, and then punished you again?
- A. He punished me once, and I asked him to let me go to the water-closet, and he let me go then. I came back, and he punished me again.
- Q. Were you crying then?
- A. Yes, sir.
- Q. Then you came back?
- A. Then I went again, and he punished me again.
- Q. That was the third time?
- A. Yes, sir.
- Q. You think you deserved all that for what you said?
- A. Yes, sir; I do.
- Q. Did you tell him you were sorry before the third time?
- A. No, sir.
- Q. What did you say?
- A. I was crying; I came in, and I did not say anything. I took off my pants, and he went at me again.
- Q. Were there any marks upon your body?
- A. Yes, sir.
- Q. How long were the marks there?
- A. Eleven days.
- Q. Where were they?
- A. From there to there?
- Q. From your hips, nearly down to your feet?
- A. Yes, sir.
- Q. What color were they?
- A. Black and blue, and, in some cases, blood was drawn. It came off on the sheets when I went to bed.
- Q. You think you deserved all that for telling this lady that this boy ought to be thumped? How long have you got to stay here?
- A. If I stay here till my majority, I have got to stay six years.

Q. Have you seen any other boys here showing marks of punishment?

A. Callahan.

Q. How long after he got through?

A. As soon as he got through.

Q. What kind of marks?

A. Black and blue all around his neck.

Q. Have you seen any other boy?

A. Yes, sir; John Crowley.

Q. Where were the marks on him?

A. On his legs.

Q. What kind?

A. Black and blue.

Q. Have you seen any other boy with marks?

A. No, sir; I don't think I have.

Q. Have you seen any boy who had come out of the sweat-box?

A. Yes, sir; one.

Q. How long afterward?

A. Just as soon as he came down.

Q. How did he appear?

A. Dripping with sweat.

Q. Clothes wet?

A. Yes, sir; wet through.

Q. Do you know how long he had been in there?

A. No, sir.

Q. Have you had any talk with anybody within the last afternoon about this matter?

A. No, sir; I have not.

Q. Have you at all, this month?

A. No, sir.

Q. Has anybody talked with you?

A. No, sir.

Q. No officer has said anything to you?

A. No, sir.

Q. Has any teacher said anything to you?

A. No, sir.

Q. Has any other party?

A. No, sir.

Q. Did you know you were coming up here to-day?

A. No, sir; I was out in the chair-shop drilling with the military, and was called out.

Q. (By Mr. TOMPKINS.) You did not know you were coming at all?

A. No, sir.

Q. (By Mr. TRAIN.) What do you think makes your hands look so purple?

Mr. DAVIS. The circulation is not good.

[The witness, at the request of Mr. Allen, exhibited his person where the punishment was applied.]

Q. (By Mr. ALLEN.) Who did you receive that punishment from?

A. Mr. Wood.

Q. When?

A. Two weeks ago last Monday night.

Q. Sixteen days ago. Mr. Wood, who stands within two feet of you, did that, did he?

A. Yes, sir.

Q. What was that for?

A. For whispering and laughing at prayers, and winking at a boy in the singing class.

Mr. ALLEN. If that is the kind of punishment the boys receive, the officers do not need to make a record; the evidence of it can be found certainly sixteen days afterwards.

Q. (By Mr. HYDE.) How many blows did he say he gave you?

A. He said he gave me ten; then he said he gave me eight.

Q. Which do you think?

A. I do not know, sir; I never counted.

Mr. PRESCOTT. I would ask that the record of punishments by Mr. Wood for the month of March be submitted to the Committee.

Mr. ALLEN. There is no difficulty in making a record of the blows, even if they do not make them until the end of the month; they can be counted then.

GEORGE W. BENNETT—*Sworn.*

Q. (By the CHAIRMAN.) How old are you, George?

A. Seventeen years old, the 29th of next month.

Q. How long have you been here?

A. Two years.

Q. Where are you from?

A. From Boston.

Q. What school are you in now?

A. The first school.

Q. Have you been promoted from some of the other schools?

A. Yes, sir.

Q. For good scholarship, or good behavior?

A. For good scholarship.

Q. Have you been promoted for good behavior?

A. I have been promoted to trust places.

Q. What do you mean; into some of the trust houses?

A. No, sir; I was taken from the chair-shop, and ordered into the front part.

Q. When were you punished last?

A. About four or five months ago.

Q. How were you punished then?

A. Mr. Wheatley punished me with a strap on the back and over the neck and on my hands.

Q. How many blows?

A. I could not tell, sir. He punished me about a half an hour.

Q. He whipped you how long?

A. About half an hour, I should think.

Q. What had you been doing ?

A. In the morning I was talking at the table, and he told me to go to the centre-table. I said something to him up there, and he came down into the kitchen after me, and took me up there and strapped me.

Q. You knew you had done wrong, I suppose ?

A. Yes, sir.

Q. Do you think you deserved punishment ?

A. Not so much as I got.

Q. Had you been punished before that ?

A. Yes, sir.

Q. How long before ?

A. Three months.

Q. Who punished you then ?

A. Mr. Wheatley.

Q. What for ?

A. I do not remember what it was for. He took me into his room and strapped me one night when his wife was sick.

Q. Did he take your clothes off ?

A. No, sir.

Q. Strapped you on your hand ?

A. Yes, sir.

Q. Do you think you deserved punishment at that time ?

A. Yes, sir.

Q. Were you ever punished too much before that time ?

A. No, sir.

Q. Were you ever put in the sweat-box ?

A. Yes, sir.

Q. When ?

A. A year ago last January.

Q. How long were you kept in there a year ago last January ?

A. Half a day.

Q. What was your offence then ?

A. When I was standing in the line, out in the yard, I had this top button of my jacket unbuttoned.

Q. Did you know that was an offence ?

A. Yes, sir ; my neck was sore, and I could not help it. If I buttoned up my jacket, it would hurt my neck.

Q. Who put you in the box ?

A. Mr. Armitage.

Q. How long were you in there ?

A. About half a day.

Q. Do you think you deserved punishment then ?

A. No, sir.

Q. When were you in the box the last time ?

A. About a month ago.

Q. What was your offence then ?

A. Up in school I spoke out loud, and down in the dining-room Miss Clark said I kicked at the table.

Q. Did you kick at the table ?

- A. No, sir; I did not do anything out of the way that noon.
- Q. You were put in the box for talking in school; was that against the rules?
- A. Yes, sir.
- Q. Did you deserve punishment for that?
- A. Yes, sir.
- Q. How long were you kept there?
- A. Two days.
- Q. Did you think that was too severe?
- A. No, sir.
- Q. You think punishment two days in the box was not too severe for the offence you committed; do you really think it was not?
- A. Yes, sir.
- Q. Who took you out of the box?
- A. Mr. Shepherd.
- Q. You were put in in the morning and taken out at night or at noon, which?
- A. I was let out at noon to go to the water-closet.
- Q. How long were you out at that time?
- A. About three minutes.
- Q. Then put back again?
- A. Yes, sir.
- Q. And kept until night?
- A. Yes, sir; and then taken out and put to bed.
- Q. You had supper before being put to bed?
- A. No, sir; I could have had it, but I did not want it.
- Q. Did you have breakfast in the morning?
- A. Yes, sir.
- Q. And were then put in the box?
- A. Yes, sir.
- Q. You were taken out at noon?
- A. Yes, sir.
- Q. How long were you out?
- A. About three minutes.
- Q. And then taken out again at night?
- A. Yes, sir.
- Q. Do you think you deserved that punishment?
- A. Yes, sir.
- Q. Are you quite sure you thought so at the time?
- A. Yes, sir.
- Q. Why?
- A. Because I knew I had done wrong.
- Q. Do you think that was a very severe punishment?
- A. No, sir.
- Q. You do not think the box is a very severe punishment, as you have experienced it?
- A. No, sir.
- Q. (By Mr. TOMPKINS.) Which had you rather do,—go into the box, or take the strap?

- A. Go into the box.
- Q. (By the CHAIRMAN.) Did the sides of the box press you hard?
- A. Not very hard.
- Q. Could you put your hand up to your face?
- A. Yes, sir.
- Q. And put it down again?
- A. Yes, sir.
- Q. Could you move your feet up and down a little?
- A. Yes, sir.
- Q. Did you go to sleep in the box?
- A. Yes, sir.
- Q. These are the only two times you have been punished, you say?
- A. In that box.
- Q. That was a month ago?
- A. Yes, sir.
- Q. Do the officers usually treat you kindly?
- A. Yes, sir.
- Q. You say you have been promoted for good conduct?
- A. Yes, sir.
- Q. What promotion was it?
- A. From the chair-shop to the front part.
- Q. Are you trying to do well now?
- A. Yes, sir.
- Q. Well, I am glad of it. You say Mr. Wheatley punished you with a strap for about a half an hour; where was this?
- A. Up in the little entry, near the office.
- Q. Did he make you take off your clothes?
- A. No, sir.
- Q. What had you done?
- A. Talked in the morning at the table.
- Q. Were there any marks left where he struck you?
- A. Yes, sir.
- Q. For how long?
- A. Three or four days. There was a mark across my neck, and he put me in the dormitory so nobody would see it. When he saw it, one day, he asked me what that was for, and I told him it was where he hit me with the strap; he hit me side of the head, and asked me what I was lying about.
- Q. Did he hit you on the side of the head?
- A. Yes, sir.
- Q. Did you say that you fell?
- A. No, sir.
- Q. Where were you?
- A. Up in the little room of the officers.
- Q. What did you say after he struck you?
- A. I did not say anything.
- Q. Now, in regard to that box, did you perspire freely while you were there?
- A. No, sir; I was cold.

Q. All the time you were there ?

A. Most of the time.

Q. Did you have on your regular clothes ?

A. Yes, sir.

Q. Could you breathe freely ?

A. Yes, sir.

Q. You say you were put in in the morning, after breakfast, and had no dinner ?

A. Yes, sir.

Q. You had no dinner ?

A. No, sir.

Q. And when it came night, you did not want any supper ; why not ?

A. Because I was not hungry ; I felt sick.

Q. Did you feel sick before you went into the box ?

A. No, sir.

Q. After you had been in the box about an hour, how did you feel ?

A. Tired and faint.

Q. In two hours, how did you feel then ?

A. I began to get worse by and by.

Q. How did you feel after you had been in there four or five hours ?

A. Sick at the stomach.

Q. How did you feel later in the afternoon ?

A. Just as though I wanted to come out.

Q. Well, after you came out, you say you felt so sick you could not eat your supper ?

A. Yes, sir.

Q. How was it the next day ?

A. The next day it was better.

Q. You did not go to sleep that day, did you ?

A. Yes, sir.

Q. What time did you go to sleep ?

A. Between 11 and 12, I guess. I woke up when the bell rang for the laborers to come out of the new building.

Q. How did you feel when you went to sleep ?

A. Tired and faint.

Q. That was the last you knew until you heard the bell ?

A. Yes, sir.

Q. Which would you rather do, go into the box or lodge ?

A. I had rather go into the box.

Q. (By Mr. ALLEN.) Why ?

A. If you go into the box you do not lose your grade.

Q. (By Mr. TOMPKINS.) Well, if you did not lose your grade, would you rather go into the box than into the lodge ?

A. No, sir.

Q. (By Mr. ALLEN.) If you lost your grade, you would be considered a bad boy, and that is the reason you preferred the box to the lodge ?

A. Yes, sir.

Q. Otherwise, you would call the box the hardest punishment ?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Have you got any father?

A. Yes, sir.

Q. You said, I believe, you did not think some of these punishments were too severe. Do you mean by that, according as punishments run at the institution?

A. Yes, sir.

Q. Well, if you were at home, would you expect your father to punish you for these things as severely as you are punished here?

A. No, sir; my mother would not allow my stepfather to punish me.

Q. Do you mean to say that you do not think these are too severe punishments, according to the run of punishments for all offences, in this institution?

A. Yes, sir.

Q. (By Mr. ALLEN.) Have you seen marks on other boys who have been punished?

A. No, sir.

Mr. HYDE. [Producing a record book.] Here is the record of the punishments of Elmer Lutz: "March 26, Elmer Lutz, report by W. B. Wood; offence, whispering and laughing at prayers; kind of punishment, with strap, 8 blows; effect of punishment, good."

The CHAIRMAN. Mr. Allen, how long do you wish to pursue this thing in one direction? We can go through the institution and aggregate testimony, but I do not see the importance of doing so. I do not ask it to criticise your method of proceeding.

Mr. ALLEN. I wish to make one suggestion; it seems to me that when these witnesses are called by the members of the sub-committee, if they were permitted to ask questions, instead of the Chairman going over the general ground, we should get through much sooner.

Mr. HYDE. We have got through with the sub-committee boys. Now, really, do you think we have not fairly obtained a correct idea of what the punishments have been in this institution? Of course, I am ready to go on, but it seems to me that really the substantial facts concerning the punishments in the institution, whatever they are, have already come out.

The CHAIRMAN. We can go on until tea-time.

Mr. ALLEN. I am frank to say, Mr. Hyde, that it seems to me that the facts, as they have appeared during the last three or four hours, are such that, if I had not seen them with my own eyes, I could not believe them to be possible. It seems to me that it would be well to have three or four more witnesses called, and that their attention should be called directly to the point we wish to consider.

Mr. HYDE. There are one or two questions I would like to ask of Mr. Bigelow, and I would like to have him called.

Mr. PRESCOTT. Mr. Bigelow has appeared before this Committee, and his cross-examination will be made on Friday.

Mr. HYDE. That will be all right; I was not aware of the fact.

Mr. ALLEN. I think it would be well, Mr. Hyde, to have half a dozen more of these witnesses come in and give their opinion. I am frank to say I do not believe any boy has been regularly punished in this institution unless he deserved some punishment, or unless the person inflicting

the punishment thought he did. But the idea of a man calling up a boy and inflicting these injuries is simply horrible. The simple question, as I understand it, is this: Are the punishments too severe, and has a proper record been kept of them? And I think such witnesses as the sub-committee see fit to call should appear before the Committee.

The CHAIRMAN. Well, the sub-committee has not any more to do with it than anybody else.

Mr. TOMPKINS. I have never seen these boys you are calling now.

The CHAIRMAN. We will continue the examination until supper-time.

FREDERICK MILLER—Sworn.

Q. (By the CHAIRMAN.) How long have you been here, Frederick?

A. Going on three years.

Q. How old are you now?

A. Eighteen.

Q. Where did you come from?

A. I live in Hubbardston.

Mr. TOMPKINS. One of your friends, Mr. Davis?

Mr. DAVIS. I put him here. I complained of him, and I regret it very much. I am a friend to every one of them.

Q. (By Mr. DAVIS.) Did you ever see me before?

A. Yes, sir.

Q. Have you ever been punished in this institution?

A. Yes, sir.

Q. In what way?

A. On the legs.

Q. With the strap?

A. Yes, sir.

Q. Ever been in the sweat-box?

A. Yes, sir.

Q. Have you ever been in the lodge?

A. Yes, sir.

Q. Have you had cold water poured on you?

A. No, sir.

Q. How many times have you been punished with the strap?

A. Three times on the legs.

Q. On the bare legs?

A. Yes, sir.

Q. Pants taken off?

A. Yes, sir.

Q. Tell us the first time.

A. First, for whispering in school.

Q. Who whipped you?

A. Mr. Wood.

Q. That was the first time?

A. Yes, sir.

Q. How long ago?

A. Two weeks ago.

Q. On your legs?

A. Yes, sir.

Q. Did he whip you hard?

A. Yes, sir.

Q. Did he make any marks?

A. Yes, sir.

Q. Got any now?

A. No, sir.

Q. (By Mr. GILBERT.) Do you mean this was the first time or the last time? Have you been punished twice since on the legs?

A. Yes, sir.

Q. (By Mr. TOMPKINS.) Do you mean to say you have been punished three times within two weeks?

A. No, sir.

Mr. TOMPKINS. That is what you said.

Mr. DAVIS. I think the boy is confused.

Q. (By Mr. DAVIS.) Was the first time you were ever strapped two weeks ago?

A. No, sir.

Q. When was the first time you were ever strapped on the legs or back?

A. On Tuesday.

Q. What Tuesday. You are a little bit disturbed; you have been punished three times on your bare legs?

Mr. HYDE. You probably frighten the boy, Mr. Davis.

Mr. DAVIS. I guess he saw you, Mr. Hyde.

Mr. PRESCOTT. Give the boy an assurance that he will not be injured.

Mr. DAVIS [to the witness.] We do not want to injure you at all; this is a Committee of the Legislature, and they want you to answer these questions. They want to know how many times you have been punished, as nearly as you can remember the circumstances, the reasons and the kinds of punishments, since you have been here? Now, you say you have been punished on your bare legs three times; is that so?

A. Yes, sir.

Q. When was the first time? How long ago?

A. Three months ago.

Q. You have been here three years?

A. Yes, sir.

Q. And was not strapped on your bare legs until three months ago?

A. No, sir.

Q. Who strapped you?

A. Mr. Brown.

Q. What for?

A. For having tobacco.

Q. How many blows did he give you?

A. Seven.

Q. On the bare legs?

A. No, sir; on my hands.

Q. When was the next time?

A. I was put in the lodge.

Q. What was that for?

A. For running away.

Q. Well, what was the next time?

A. The next time, I whispered in school?

Q. What was done?

A. My pants were taken down.

Q. Strapped on your bare legs?

A. Yes, sir.

Q. (By Mr. TOMPKINS.) Who did this?

A. Mr. Wood.

Q. How long ago?

A. Two weeks.

Q. How many blows?

A. Eight.

Q. (By Mr. DAVIS.) Then you are really becoming worse and worse, are you?

A. Yes, sir.

Q. Are you not as good a boy as you used to be, two or three years ago? You got along very nicely for some time, and now it seems you have been punished several times recently.

Mr. DAVIS. I think I have disturbed him; he does not seem to understand my questions.

Mr. HYDE. Let me ask him some questions from this distance.

Q. (By Mr. HYDE.) How long have you been here?

A. Three years.

Q. When you first came here, what did you do; did you go into the school?

A. No, sir.

Q. What did you do?

A. I did not do anything.

Q. Were you in the shop?

A. Yes, sir.

Q. What did you do in the shop?

A. I did not do anything.

Q. Did you not work on chairs?

A. Yes, sir.

Q. Did you go to school?

A. Yes, sir.

Q. Who was your teacher in the school?

A. Miss Danforth.

Q. Who had charge of the chair-shop?

A. Mr. Armitage.

Q. Did you ever work outside?

A. Yes, sir.

Q. Where?

A. On the farm.

Q. Every year, have you worked on the farm?

A. Yes, sir.

Q. Have you also been promoted in any way?

A. Yes, sir.

Q. Have you ever been in a trust house?

A. Yes, sir.

Q. Which one?

A. The Garden House.

Q. Who had charge of it?

A. Mr. Brown.

Q. Now, down at the Garden House, what did you do?

A. Run away.

Q. What kind of work did you do?

A. Made chairs in the winter.

Q. Then you ran away from there?

A. Yes, sir.

Q. Where did you go to?

A. Down to Worcester.

Q. How soon did you come back?

A. In the forenoon.

Q. What do you do now?

A. Braid chairs.

Q. You go to school, too?

A. Yes, sir.

Q. Who is your teacher in school?

A. Miss Campbell.

Q. Which class are you in?

A. The second.

Q. Who is your teacher in the chair-shop?

A. Mr. Cummings.

Q. Now, we will ask about another thing. Have you ever been punished any since you have been here, by anybody. Tell me all about it, just as you have been telling me about the shop and the school. Have you ever been punished here by anybody?

A. Yes, sir.

Q. Who punished you?

A. Mr. Cummings.

Q. How did Mr. Cummings punish you?

A. On the hands.

Q. How many times?

A. Twice.

Q. Gave you two blows?

Mr. ALLEN. No, at two different times.

Q. How many blows did he give you?

A. Seven.

Q. What for?

A. For whispering in the shop.

Q. What was the second offence for?

A. For whispering again in the shop.

Q. How many blows did he give you the second time?

A. Seven.

Q. Now, has anybody else ever punished you. Has Colonel Shepherd ever punished you?

A. Yes, sir.

Q. Where?

A. On my legs.

Q. When?

A. Four weeks ago.

Q. For what?

A. For swapping chairs.

Q. How many times did he strike you?

A. I did not count.

Q. About how many?

A. Eight.

Q. Were your pants on or off?

A. Off.

Q. Who did you swap chairs with?

A. Dunn.

Q. Now, has anybody else ever punished you here?

A. No, sir.

Mr. DAVIS. I have a statement to make about this boy which I do not care to have taken down.

After hearing the statement of Mr. Davis, the Committee took a recess for supper.

TENTH HEARING—EVENING SESSION.

JAMES MCKAY—*Sworn.*

Q. (By Mr. ALLEN.) How old are you?

A. Fifteen.

Q. How long have you been here?

A. Five years next August.

Q. Do you recollect having some trouble with Mr. Wood?

A. Yes, sir.

Q. What was it?

A. I spelled a word wrong, and he told me to come out in the floor. I went half-way out, and he told me to come out to him, and I would not do it. He came after me, and I took my slate and fired it at him.

Q. What did he do then?

A. He went out and called in Mr. Perkins, an officer, and he choked me. Mr. Perkins and Mr. Faulkner and Mr. Wood came in, and they mugged me.

Q. What do you mean by that?

A. Licked me with a strap; and he choked me.

Q. How much did he choke you?

A. He choked me about five minutes.

Q. Did he hurt you very badly?

A. Yes, sir.

Q. How much did he hurt you when he choked you?

A. I could not breathe.

Q. Do you know how much you weigh?

A. Ninety-six pounds, last Saturday.

Q. When they whipped you, did they take your clothes off?

A. They tried to take them off. I took them down, and he hit me; and then I took them up, and he hit me over the head and everywhere.

Q. What with?

A. A strap.

Q. Did he take your trousers down first?

A. Yes, sir.

Q. Did he strike you a good many times after that?

A. Yes, sir.

Q. Did you ever get any other very hard whipping?

A. I got mugged by Col. Shepherd.

Q. What was that for?

A. Striking a boy in the line.

Q. Did he take your clothes off?

A. He took them all off but my shirt.

Q. And then punished you with a strap?

A. Yes, sir.

Q. How long ago was that?

A. About when I ran away, or a little while after.

- Q. When was that; how long ago?
- A. About five months, I think.
- Q. Did he pull your shirt up on your shoulders when he struck you?
- A. Yes, sir.
- Q. Whipped you pretty hard?
- A. Yes, sir.
- Q. Did you have any marks on your legs?
- A. Yes, sir.
- Q. How long did they last?
- A. About a week.
- Q. Have you ever been in the sweat-box?
- A. Yes, sir.
- Q. How many times?
- A. Three times.
- Q. What time, in the morning?
- A. One morning, I was put in at the first bell.
- Q. How long were you kept there?
- A. I was kept there Saturday afternoon half a day, and was in the Friday afternoon before.
- Q. How does it seem to be in that box after you have been in about an hour?
- A. You begin to feel dizzy and sick.
- Q. Do you feel so all the time you are in there?
- A. Yes, sir.
- Q. How do you feel when you come out?
- A. You feel just the same until you get air.
- Q. Can't you breathe in there?
- A. Cannot breathe much.
- Q. Does it trouble you to breathe all the time you are in there?
- A. It is very hot.
- Q. Did you sweat a great deal?
- A. Yes, sir.
- Q. Were your clothes wet?
- A. My shirt and the collar of my jacket.
- Q. Could you walk easily when you came out?
- A. When I first came out I staggered a little.
- Q. (By Mr. HYDE.) How many times have you been in the box?
- A. Three times.
- Q. Have you ever been in the lodge?
- A. Yes, sir.
- Q. How many times?
- A. About all the time I have been here.
- Q. How many different times?
- A. I don't know, sir.
- Q. A good many?
- A. Yes, sir.
- Q. How many times have you been punished in any way beside the lodge and box?
- A. I have been put in the strait-jacket.

Q. How many times have you been in that ?

A. Forty times since I have been here.

Q. You have been a bad boy, have you not ?

A. Not very bad.

Q. How many times have you been punished besides the times you have been in the strait-jacket, the box, and the lodge ?

A. I have had every punishment that is in here.

Q. How many times besides these ?

A. I don't know, sir.

Q. How many times have you been whipped ?

A. I have been whipped ever since I have been in here.

Q. How many times ?

A. Sometimes two times a day, and sometimes one.

Q. What have you been punished so many times for ?

A. Whispering in the shop.

Q. What else ?

A. Calling officers names.

Q. Give us some of the names you have called the officers ?

A. I have called them sons of bitches.

Q. Anything else ?

A. I have sworn at them.

Q. Anything else ?

A. Not that I remember.

Q. What else have you been punished for ? Did you ever tell any false stories, and have you been punished for them ?

A. Yes, sir ; about every time I told them.

Q. How many times have you told them ?

A. I don't know, sir ; I am pretty good at that, since I have been here ?

Q. You have told them a good many times ?

A. Yes, sir.

Q. That has been one of your great troubles, has it not ? You say a thing and then deny it, and so get into trouble ? Well, now, did you ever have any trouble with another boy ? Did you ever try to knife a boy ?

A. Buchan.

Q. Now, tell us about that.

A. I forget what he said to me one day, when I was in the shop. I took the awl and stuck it in his knee.

Q. Right through his pants, into his knee ?

A. I made his leg sore.

Q. How long was his leg sore ?

A. Two or three weeks.

Q. You hurt him a good deal, did you not ?

A. Yes, sir.

Q. How were you punished for that.

A. Put in the dormitory.

Q. How long were you kept there ?

A. About two weeks.

Q. Can you think of something else you have done since you have been here?

A. Stabbed a boy not long ago.

Q. Another boy?

A. Yes, sir; he came in to pile chairs from the back door, and came over to my bench. I told him to get out of the road, and he would not do it. He commenced fooling with my knife, and went to strike me, and I cut him on the arm with it; he commenced fooling again, and I stuck him in the leg.

Q. Anything else? Let us have the whole of it; we want the whole story. It is a long story, is it not?

A. Yes, sir.

Q. Well, give it to us, whatever it is?

A. I don't remember.

Q. Well, let us have what you remember?

A. Officer Donovan mugged me once. I had my water in the cell, and I went to chuck it on a boy, and I chucked it in his face; so he took me and took my pants off, and made me bend over a trunk, and mugged me, and then he put me in a strait-jacket with eight straps. Next day he put me in the lodge, and down in the dungeon at night. He mugged me that day down in the dungeon.

Q. Anything else you have done here?

A. Not as I know of.

Q. I do not believe you have told us all; you have only told us about stabbing three boys and throwing a vessel in an officer's face, and telling an infinite number of lies. Could you not think of something else? We want the whole of it; you will feel better after you get it all out. I notice here you have spoken of having been punished for cutting a chair; how about that, is that so?

A. Yes, sir.

Q. Tell us about that?

A. I cut a chair in the shop, and Mr. Shepherd mugged me.

Q. Well, now, is there anything else you can think of? Don't you like to take a boy and give him a good one? Didn't you ever fight any?

A. No, sir.

Q. (By Mr. ALLEN.) You stated you had had all the punishments there were. What is there beside the lodge, strait-jacket, box, and strap?

A. The dormitory.

Q. You were locked in?

A. Yes, sir.

Q. What was done while you were in the strait-jacket?

A. I was taken from the lodge and put into the strait-jacket. I had eight straps on, and he took me down in the lodge and took one of the straps off. When he took me down there, he put me in the dungeon; then he took the strap and mugged me, and locked the door, and kept me in there till 12 o'clock at night.

Q. Why did you tell so many lies here? Why did you say you did not do things, when you did?

A. To get off from the punishment; I did not want to be punished.

Q. (By Mr. HYDE.) Hold on. I have found two more things. Here is one, for striking Richardson; how about that? Do you remember that?

A. Yes, sir.

Q. Did you give him a good one?

A. I didn't strike him a fair whack, right out; he was trying to get something away from me, and I pushed him back. We had our hands up, and we pushed each other, and I hit him in the nose.

Q. He let you alone, did he not, afterwards?

A. Yes, sir.

Q. Now, here is another thing. Do you know a boy by the name of Clark?

A. Yes, sir.

Q. How was it with you and Clark?

A. I struck him, in school.

Q. Well, let us have that.

A. He snatched a hat from me, and I struck him.

Q. A good one, did you?

A. As good as I could give him.

Q. Whereabouts did you fetch him one?

A. Hit him in the mouth.

Q. How did he like it?

A. He commenced to cry.

Q. Did you give him another one, then?

A. No, sir.

Q. You finished him with one blow. Well, now, I have refreshed your memory; don't you think there was any more?

A. I struck Burns in the line.

Q. How did you fetch him?

A. He was laughing, and I turned round and give him a slap.

Q. A good one?

A. I did not get a fair chance.

Q. Was there any other?

A. No, sir.

Q. (By Mr. ALLEN.) Did you ever see an officer strike a boy in the face?

A. Yes, sir; Bigelow.

Q. Who did he strike?

A. He struck me, when I first came here.

Q. What with?

A. His fist.

Q. Where did he strike you?

A. On the cheek.

Q. Have you seen him strike other boys?

A. No, sir.

Q. Have you seen any other officer strike a boy in the face?

A. No, sir; not that I know of.

Q. (By Mr. HYDE.) Don't you suppose you could get along a month without any trouble by trying hard?

A. I guess so.

Q. Won't you try?

A. Yes, sir.

Mr. HYDE. Well, suppose you try it for a year. I will tell you what I would do. I would behave so well, I would get out of this school. I would be the best boy in the school, and get out of it.

JOSEPH CAHOON—*Sworn.*

Q. (By Mr. ALLEN.) How old are you?

A. Eighteen, the 20th of last month.

Q. How long have you been here?

A. I don't know exactly; I think about 14 months.

Q. Have you been punished severely?

A. Yes, sir.

Q. How?

A. I have been mugged.

Q. By whom?

A. By Mr. Shepherd.

Q. How was the punishment inflicted upon you?

A. He did not give me anything but what I needed.

Q. How was it done? On what part of your person?

A. On my hands.

Q. Have you ever been punished on your naked body?

A. Yes, sir.

Q. Trousers taken down?

A. Yes, sir.

Q. When was that?

A. In July.

Q. By whom?

A. By Mr. Shepherd.

Q. What for?

A. Trying to run away.

Q. Have you ever been confined in the sweat-box?

A. No, sir.

Q. In the lodge?

A. Yes, sir.

Q. How long at any one time?

A. Twenty-one days.

Q. What for?

A. Mr. Hayes sent me there.

Q. What for?

A. He said I was humming in school, but I wasn't. I gave him some back words.

Q. How hard did Colonel Shepherd strap you at that time, when he made you bend over in that way?

Mr. HYDE. What time do you mean?

Q. (By Mr. ALLEN.) Did you ever have water poured on you?

A. Yes, sir.

Q. Where?

A. In the lodge.

Q. What was the water put on you for?

A. Mr. Hayes put it on me.

Q. What for?

A. Giving him back words.

Q. What clothes had you on?

A. My shirt.

Q. Nothing else?

A. My stockings.

Q. Nothing else?

A. No, sir.

Q. How long was water played upon you?

A. I could not tell; I should think about half an hour.

Q. From the steam-pump?

A. No, sir; I could not tell where it came from.

Q. Did it strike hard?

A. No, sir.

Q. What position were you in?

A. Standing up.

Q. Did you call out, or say anything?

A. I told him to put it on.

Q. (By Mr. HYDE.) You said Mr. Hayes put you down there for buzzing in the school, and you gave him some words; was that the time he put the water on you?

A. Yes, sir.

Q. Did you say anything to him after you got down there?

A. Yes, sir; I told him to put it on.

Q. What did you mean by that? Did you say it in an impudent kind of way?

A. Yes, sir.

Q. Well, was there anything more you said to him?

A. Something, but I do not remember it.

Q. Was that the time you were kept down in the lodge a number of days?

A. Yes, sir.

Q. Well, when you got sorry for it, did he let you out?

A. Yes, sir.

Q. You have been a good boy since?

A. Yes, sir.

Q. Was any other officer present at the time Mr. Hayes applied the water?

A. Yes, sir.

Q. Who?

A. Mr. Bigelow, Mr. Phillips, Mr. Cummings—I do not remember the rest.

Q. Do you remember whether Mr. Phillips said anything at the time he was applying the water?

A. I do not remember; I could not hear.

Q. How long ago was that?

A. I do not remember ; just before Mr. Phillips went away.

Q. Now, you are getting on nicely ?

A. Yes, sir.

Q. (By Mr. ALLEN.) How much do you weigh ?

A. One hundred and fifty.

Q. (By the CHAIRMAN.) Were there any marks left on you when you were strapped ?

A. No, sir.

DAVID COWHEY—*Sworn.*

Q. (By Mr. ALLEN.) How old are you ?

A. Eighteen.

Q. How long have you been here ?

A. Eight years next July.

Q. Have you been punished hard here ?

A. Twice, pretty hard.

Q. When ?

A. Once for running away, and once for telling a lie.

Q. How long ago was that ?

A. The last time was a year ago last December, or somewhere around there.

Q. What was that for ?

A. For running away.

Q. Who punished you ?

A. Mr. Shepherd.

Q. How ?

A. With my pants off.

Q. With the strap ?

A. Yes, sir.

Q. On your naked person ?

A. Yes, sir.

Q. Did it leave any marks ?

A. Yes, sir.

Q. How long were these marks there ?

A. I cannot remember.

Q. How many times did he strike you ?

A. Sixteen or seventeen.

Q. Who punished you the other time ?

A. Mr. Shepherd.

Q. What for ?

A. For telling a lie.

Q. How long ago ?

A. I do not remember.

Q. How did he do it ?

A. With my pants down.

Q. On your naked person ?

A. Yes, sir.

Q. Were you ever in the sweat-box ?

A. Yes, sir.

Q. How long ago ?

- A. A year ago last December.
- Q. How long were you kept in there ?
- A. Seven days, except a few hours.
- Q. At what time did they put you in in the morning ?
- A. At the first bell ; I think at half-past five.
- Q. Did you have your breakfast before you went in ?
- A. Yes, sir.
- Q. What time did they take you out ?
- A. Sometimes quarter past six, and sometimes quarter past seven.
- Q. At night ?
- A. Yes, sir.
- Q. Did you have any dinner ?
- A. No, sir.
- Q. Did they take you out during the day ?
- A. No, sir.
- Q. How does it seem to be in the sweat-box ?
- A. It was cold when I was there ; it was in December.
- Q. How did you feel there ?
- A. You have a pain in your stomach all the time.
- Q. Can you breathe easily there ?
- A. No, sir.
- Q. How did you feel when you came out at night ?
- A. I felt stiff and cold.
- Q. There is no fire there ?
- A. No, sir.
- Q. Were you very cold while you were in there ?
- A. Yes, sir.
- Q. Could you move your arms while you were there ; could you raise them up ?
- A. My hands were behind me, but I could get the strap off if I wanted to.
- Q. Were your hands strapped behind you ?
- A. Yes, sir ; all the time except half a day.
- Q. How many days in succession ?
- A. Pretty nearly seven.
- Q. Did you ever have cold water played on you in the lodge ?
- A. No, sir.
- Q. Ever had the strait-jacket on ?
- A. Once.
- Q. Which is the worst, the strait-jacket or the sweat-box ?
- A. The sweat-box.
- Q. (By Mr. PRESCOTT.) Were your hands swollen at all ?
- A. Yes, sir.
- Q. (By Mr. DAVIS.) You are not in the lodge now, are you ? Have you been in the lodge within a few days ?
- A. No, sir.
- Q. (By Mr. HYDE.) How long since you have been punished at all ?
- A. I do not remember.
- Q. It is a good while ?

A. Yes, sir.

Q. You are getting along nicely?

A. Yes, sir.

Q. You mean to have no more trouble?

A. Yes, sir.

Q. Are you getting promoted?

A. Yes, sir.

Q. Do you think you were ever punished more than you deserved at the time?

A. Yes, sir.

Q. It did you good, did it not?

A. It did not feel good.

Q. But you have been a better boy since?

A. Yes, sir.

Q. You have been more careful to observe the rules?

A. Yes, sir.

Q. What were you punished for, besides telling a lie?

A. Running away.

Q. How did you happen to run away?

A. When I first came here, two boys ran away, and they said they did not want to stay outside. He said he did not want to have any excuses, and if they wanted to come outside, they could. I asked him if I could talk to him, and he broke his stick over my back. Then he said I was going to run away, and I thought I might as well get punished for running away as trying to.

Q. So you ran away. How long were you gone?

A. Ten minutes.

Q. Did you not get away more than once?

A. Yes, sir.

Q. Twice?

A. Yes, sir.

Q. Is there anything else you have done that you were punished for?

A. Yes, sir.

Q. What?

A. Fooling in the chapel.

Q. What do you mean?

A. Kicking a fellow.

Q. Did you kick him good?

A. Pretty good.

Q. Who caught you?

A. Mr. Wheatley.

Q. Did you get punished for that?

A. Yes, sir.

Q. How did he punish you?

A. On the hands.

Q. Who was the boy you kicked?

A. Otis.

Q. Did you kick him more than once?

A. Yes, sir.

Q. How many times ?

A. I was fooling with him about ten minutes.

Q. (By Mr. ALLEN.) Were you angry with that boy ?

A. No, sir.

Q. (By Mr. HYDE.) It was all in fun, but it was during the service ?

A. Yes, sir.

Q. What else ?

A. I got punished in other ways.

Q. (By Mr. ALLEN.) What other ways ?

A. I have been put in the braces.

Mr. HYDE. That is where they play, by sitting on the brace.

RICHARD YOUNG—*Sworn.*

Q. (By Mr. ALLEN.) How old are you ?

A. Thirteen.

Q. How long have you been here ?

A. Two years.

Q. Have you been whipped since you have been here ?

A. Yes, sir.

Q. By whom ?

A. By Mr. Wood.

Q. How long ago was it ?

A. About two months ago.

Q. What was it for ?

A. Not getting my lesson in school.

Q. How did he whip you ?

A. Took off my pants.

Q. And your jacket ?

A. Yes, sir.

Q. Leave anything on but your shirt ?

A. No, sir ; he took off my pants and jacket.

Q. What did he whip you with ?

A. With a strap.

Q. One like either of these ?

A. One like this. [The lighter one.]

Q. How many times did he strike you ?

A. I don't know.

Q. Did he leave any marks on you ?

A. Yes, sir.

Q. How long after ?

A. Six or seven days.

Q. Was that the last time you were whipped ?

A. Yes, sir.

Q. Did it bleed at all where he struck you ?

A. Yes, sir. [Witness exhibited the marks on his body.]

Q. Are these three black and blue marks on your thigh where you were whipped two months ago ?

A. Yes, sir.

Mr. GILBERT. He don't know that.

- Q. (By Mr. ALLEN.) Have you had a whipping there since ?
 A. No, sir.
 Q. Is that where the blows were ?
 A. Yes, sir.
 Q. How long were you sore after you were whipped ?
 A. Seven or eight days.
 Q. Were you ever put in the sweat-box ?
 A. Yes, sir.
 Q. That whipping was for not getting your lesson ?
 A. Yes, sir.
 Q. (By Mr. HYDE.) What have you been doing since the time you were whipped ?
 A. I did not get any lesson.
 Q. I mean, what have you been doing ? Haven't you fooled round with the boys ?
 A. No, sir.
 Q. Have you fooled round in your bunk ?
 A. No, sir.
 Q. None at all ?
 A. No, sir.
 Q. What else have you been punished for since you were here ?
 A. For whispering.

JAMES MALONEY—Sworn.

- Q. (By Mr. ALLEN.) How old are you ?
 A. I shall be 18 the 23d of this month.
 Q. How long have you been here ?
 A. Two years and four months.
 Q. Have you been punished here ?
 A. Twice.
 Q. Where ?
 A. On the hands.
 Q. Any other way ?
 A. No, sir.
 Q. Have you been in the sweat-box ?
 A. I was punished once two weeks in the lodge. I was taken out of bed.
 Q. Have you ever been in the sweat-box ?
 A. No, sir ; I have been in the lodge.
 Q. (By Mr. HYDE.) When you were taken out of bed, what was it for ?
 A. Singing.
 Q. They gave you a couple, and you went back and did not sing ?
 A. Yes, sir.
 Q. It changed your tune ?
 A. Yes, sir.

WILLIAM BUCHAN—Sworn.

- Q. (By the CHAIRMAN.) How long have you been in this institution ?
 A. Two years and four months.

Q. How old are you ?

A. Seventeen.

Q. Where is your home ?

A. At East Milton.

Q. What school are you in ?

A. The third school.

Q. You used to be in the fourth ?

A. Yes, sir.

Q. Have you been punished ?

A. Yes, sir.

Q. Who by ?

A. By Mr. Rice and Mr. Davis.

Q. How ?

A. On my head and hands.

Q. Have you ever been strapped with your clothes off ?

A. Yes, sir.

Q. What were you punished for ?

A. For doing things wrong.

Q. What wrong things did you do when Mr. Rice punished you ?

A. There was some paper on the fourth school desk, and the boys told me to go up and get it, and I went and got it with Lombey, and we were both punished for it.

Q. Did you know you had disobeyed the rules when you were punished ?

A. Yes, sir.

Q. Were you ever put in the sweat-box ?

A. Once.

Q. When was that ?

A. Mr. Wood put me up there.

Q. How long were you there ?

A. Pretty nearly two days.

Q. Put in in the morning ?

A. No, sir ; at 9 o'clock.

Q. Were you taken out in the middle of the day ?

A. No, sir ; in the night-time.

Q. Were you not taken out from the time you were put in in the morning till night ?

A. I went to the water-closet, and was put in next day, and stayed there all day.

Q. What had you done that you were put in for ?

A. Put my foot on the paint and scratched the paint off ?

Q. You knew you had done wrong ?

A. Yes, sir ; but I did not think about it.

Q. Have you been punished since this time ?

A. No, sir ; I made a promise to Mr. Shepherd to behave myself, and I have.

Q. Do you like Mr. Shepherd ?

A. Yes, sir, I like him.

Q. You never was in the box excepting that time ?

A. No, sir.

Q. Which is the hardest punishment, the box or the strap?

A. The box is the hardest.

Q. (By Mr. PRESCOTT.) You were first punished by Mr. Rice, were you?

A. Yes, sir.

Q. How did he punish you?

A. On the back, over the head, and on the hands.

Q. Did he take off any part of your clothes?

A. Yes, sir.

Q. What?

A. He took off my jacket.

Q. Did he strap you over the back?

A. Yes, sir.

Q. Did he leave any marks?

A. He left black and blue marks.

Q. How long did they remain there?

A. About a week.

Q. Were you sore?

A. Yes, sir.

Q. You say he struck you over the head; did he leave any marks on your head?

A. Yes, sir; there is one there,—a blue spot [showing a spot on the back of his neck].

Q. Was that mark caused by a blow?

A. I think so, about a year ago.

Q. Who gave you that blow?

A. Mr. Rice, I guess.

Q. Did he do it with the strap?

A. Yes, sir.

Q. What kind of a strap did he use?

A. One like one of these. It was longer, and one edge was thick.

Q. Do you mean one end was thicker than the other?

A. Yes, sir.

Q. Was it a flat or a round strap?

A. A flat strap.

Q. Did Mr. Rice punish boys much?

A. Yes, sir.

Q. Did you see him punish boys?

A. Yes, sir; I have seen him whip Lombey.

Q. How did he punish him?

A. He gave him about 50 on each hand. His hand was all swelled up, and he gave him a lot of bend-overs.

Q. Did he take off his clothes?

A. No, sir; but it is just as bad.

Q. Who were Shea and Burns punished by?

A. By Mr. Davis.

Q. Did you see him punish Burns?

A. No, sir. I saw him when he came down, with his hand all black and blue. He said he struck him.

Q. Do you know anything about the Gartland boy?

A. Yes, sir.

Q. Do you know about his being punished?

A. Yes, sir. I was in school one day, and Mr. Rice said there was an example that was not right. He told Gartland to go out into the floor, and he would not do it. He took up his slate and flung it at him. That was on Friday night. On Saturday, after bathing, he punished him all over the back.

Q. Did you see it?

A. No, sir; I heard of it.

Q. You do not know of any boy that saw him punish Gartland?

A. No, sir.

Q. You did not hear Gartland make any outcries; did you? Did you see Gartland after he was dead?

A. Yes, sir.

Q. Did you see any marks of punishment on him?

A. No, sir; he was in the coffin.

Q. He did not have any marks of punishment on his face at all?

A. No, sir.

Q. What time were you in the sweat-box?

A. About February or March.

Q. This last February?

A. Yes, sir.

Q. Who were you put in by?

A. By Mr. Wood.

Q. What were you put in for?

A. For putting my foot on the paint. I was not thinking of it, and my foot went up on to the paint and took it off.

Q. You were put in the sweat-box for two days?

A. Yes, sir.

Q. Were your hands strapped?

A. No, sir.

Q. Were you pressed in tightly?

A. Yes, sir.

Q. What was the effect upon you? Did your hands or your feet swell; did you feel any particularly bad effects?

A. No, sir.

Q. You were not sick at all in the box?

A. No, sir.

Q. When you were taken out at night, were you given your supper?

A. Yes, sir; bread and water.

Q. Have you been punished in any other way than you have related to the Committee?

A. Not since that time.

Q. Were you before?

A. Yes, sir.

Q. By whom?

- A. By Mr. Davis and by Mr. Dudley.
- Q. Is Mr. Davis here now?
- A. No, sir; he is away.
- Q. Is Mr. Dudley here now?
- A. No, sir; he is away.
- Q. How long ago were you punished by these men?
- A. Two or three months ago.
- Q. How were you punished by Mr. Davis?
- A. He took me out and strapped me on the hands and legs.
- Q. Did you carry any marks on your legs?
- A. About two days.
- Q. How were you punished by Mr. Dudley?
- A. On my hands.
- Q. What did Mr. Davis punish you for?
- A. For whispering in school on Sunday. Next day he punished me.
- Q. Have you been punished in any other way, that you think of?
- A. Yes, sir; I have been put on bread and water.
- Q. Have you ever seen any boys that have been punished so that they carried marks of their punishment any considerable time?
- A. Nobody but Lombey.
- Q. Are you being confined in the lodge now?
- A. Yes, sir.
- Q. How long?
- A. Since Monday.
- Q. What are you being confined for?
- A. For throwing the keys of an officer.
- Q. What did you do to the officer?
- A. I was out in the yard, and he told me to go on to the line, and he caught me by the collar. His bunch of keys fell out, and I pushed them and ripped the buttons off.
- Q. (By Mr. GILBERT.) What do you say is the cause of your being confined in the lodge?
- A. Throwing an officer's keys.
- Q. What did you throw them for?
- A. I picked them up, and tossed them.
- Q. You threw them away?
- A. Yes, sir.
- Q. Any other reason?
- A. No, sir.
- Q. Did you make any disturbance?
- A. No, sir.
- Q. Didn't you make some disturbance?
- A. No, sir; not that I know of. Perhaps I might have hollered in the yard.
- Q. Didn't you make some disturbance in the yard that caused you to be put into the lodge?
- A. There was a disturbance in the yard, but I was not in it.
- Q. You got the keys of the officer?
- A. Yes, sir,

JOSEPH McDERMOTT.—*Sworn.*

Q. (By Mr. DAVIS.) How long have you been here, Joseph?

A. Two years, the 25th of this month.

Q. Where do you come from?

A. Lynn.

Q. How old are you?

A. Fifteen.

Q. Have you been punished many times since you have been in the institution?

A. Not very many.

Q. How many? Don't you remember exactly?

A. No, sir.

Q. Have you been punished more severely some times than others?

A. Yes, sir.

Q. When were you punished most severely? How long since you were punished?

A. Four weeks ago.

Q. What for?

A. Laying a plot.

Q. You were in a plot; what for, to break out?

A. No, sir; to throw bowls.

Q. Did you throw any?

A. No, sir.

Q. Your plot was discovered?

A. Yes, sir.

Q. What punishment did you receive?

A. I was put in the dormitory.

Q. How long did you stay?

A. Four weeks.

Q. You have been released, have you?

A. Yes, sir.

Q. Were you punished in any way?

A. No, sir.

Q. Have you been punished by being struck on the bare back since you have been here?

A. Yes, sir; I have not had my shirt off, but I have had my jacket off.

Q. Well, who were you punished by?

A. By Mr. Bigelow.

Q. What for?

A. Not going to the centre-table.

Q. How much did he punish you?

A. Not very much.

Q. Did he punish you on the bare skin?

A. I had my shirt on.

Q. Were you ever punished on the bare skin?

A. Yes, sir; once, on my legs.

Q. Who punished you?

A. Mr. Shepherd.

Q. How many times have you been punished on your bare skin?

- A. Twice.
- Q. Have you ever been in the lodge?
- A. Yes, sir.
- Q. How many times?
- A. Four.
- Q. Have you ever been in the sweat-box?
- A. Yes, sir.
- Q. How many times?
- A. Three.
- Q. For what?
- A. Once for not going to the centre-table for Mr. Bigelow, and Mr. Cummings put me in once for whispering in the shop.
- Q. (By Mr. PRESCOTT.) How long were you in the sweat-box?
- A. One day.
- Q. What time in the day were you put in?
- A. At half-past seven o'clock in the morning.
- Q. And you remained until what time?
- A. Until after supper.
- Q. Not being taken out at all?
- A. Yes, sir; I was taken out once.
- Q. How long were you out then?
- A. About five minutes.
- Q. Were you pressed into the box tightly?
- A. No, sir; not very.
- Q. Could you get your hands up and down?
- A. Yes, sir.
- Q. Did you suffer any ill-effects from being confined in the box?
- A. No, sir; but it did not smell very good up there.
- Q. Well, how long were you kept in the second time?
- A. Half a day.
- Q. What were you put in for then?
- A. For being in a plot.
- Q. When you were in the sweat-box, could you breathe freely? You did not suffer any inconvenience there, did you?
- A. No, sir.
- Q. You did not have any swelling of the hands or feet?
- A. No, sir.
- Q. How long were you in it?
- A. Three or four hours.
- Q. Who were you put in by?
- A. By Mr. Bigelow.
- Q. What were you put in for?
- A. For not going to the centre-table.
- Q. Have you been punished by the strait-jacket?
- A. Yes, sir.
- Q. For what?
- A. For talking loud in the hall.
- Q. How long were you in the strait-jacket?

A. I went in in the afternoon, and Mr. Bemis took me out at supper-time.

Q. Have you ever been punished over the body so that you have had marks upon your person?

A. No, sir.

Q. Have you seen any boys that have been so severely punished in the institution that they have shown the effects of the punishment upon their persons afterward?

A. No, sir.

Q. When you behave yourself, you are treated well, are you?

A. Yes, sir.

Q. You said you were engaged in a plot awhile ago?

A. Yes, sir.

Q. Who were with you?

A. Burns and Garrity.

Q. To throw bowls?

A. Yes, sir; to throw bowls at Mr. Wheatley?

Q. Are you in the lodge now?

A. Yes, sir.

Q. For what?

A. For hollering in the yard.

Q. How long ago was that?

A. Thursday night.

Q. How long have you been in the lodge, since then?

A. No, sir; I went down Friday afternoon.

Q. The next day?

A. Yes, sir.

Q. You have never been very severely punished?

A. No, sir.

Q. What you received you deserved, did you?

A. Yes, sir.

Q. If you had been a good boy, you would not have been punished, would you?

A. No, sir.

Q. You have never been punished, unless you committed some disobedience, have you?

A. No, sir.

Q. You are treated well, are you, when you do right?

Mr. PRESCOTT. Is this one of the boys that was asked for?

Mr. HYDE. He is one that was asked for this afternoon.

Mr. SHEPHERD. This is the boy you spoke with in the lodge this morning.

Q. (By Mr. DAVIS.) I spoke with you this morning, did I?

A. Yes, sir.

Mr. PRESCOTT. Bring us in Fernald and Davis.

GEORGE DAVIS—*Sworn.*

Q. (By Mr. PRESCOTT.) How old are you?

A. Nineteen.

- Q. How long have you been here ?
A. Two years and eight months.
Q. Where did you come from ?
A. New York.
Q. You came from some town in the State ?
A. Yes, sir ; from Hornellsville.
Q. When you came here, from what town did you come ?
A. From South Brookfield.
Q. How have you conducted yourself since you have been here ?
A. By behaving myself since this last time I ran away ?
Q. When did you run away ?
A. About two months ago.
Q. How long were you away ?
A. One day.
Q. Were you captured, or did you come back of your own accord ?
A. I was captured.
Q. How have you been punished since you have been in this institution ? Have you been punished by being strapped ?
A. No, sir.
Q. You never had an officer strike you with a strap ?
A. Yes, I have.
Q. Who has punished you with a strap ?
A. Mr. Armitage.
Q. What did he punish you for ?
A. For kicking a foot-ball after the whistle had blown.
Q. Have you ever been punished with the strap by any other officer ?
A. No, sir.
Q. Have you ever been confined in the sweat-box ?
A. Yes, sir.
Q. What were you put in there for ?
A. For running away that day.
Q. Who were you put in by ?
A. Mr. Shepherd.
Q. How long were you kept there ?
A. Three days.
Q. What time were you put in in the morning ?
A. About seven o'clock, I think.
Q. What time were you taken out at night ?
A. Mr. Phillips used to take me out about seven o'clock at night ?
Q. Were you taken out at all during the day ?
A. Yes, sir.
Q. For how long a time were you taken out ?
A. For two or three minutes.
Q. You were in there three days in succession ?
A. Yes, sir.
Q. What was the effect of the punishment upon you, so far as it affected you physically ?
A. It did not affect me much.
Q. Did you experience any ill-effects from it ?

- A. Yes, sir.
Q. What were they ?
A. I had a pain in my back.
Q. Could you move your hands up and down in the box ?
A. No, sir ; not very well.
Q. Have you ever been punished by confinement in the sweat-box at any other time ?
A. No, sir.
Q. Were you ever sick in the sweat-box ?
A. No, sir.
Q. Have you been punished in any other way than you have related ?
A. Yes, sir.
Q. How ?
A. I was put in the lodge a little while ago.
Q. How long were you kept there ?
A. Six days.
Q. What were you put in for ?
A. For not going to the centre-table.
Q. Are you fed when in the lodge ?
A. Yes, sir ; on bread and water.
Q. You have all the bread you want ?
A. Yes, sir.
Q. When you were in the sweat-box, how were you fed ?
A. Morning and night ; three slices of bread in the morning and three at night.
Q. Did you have any dinner ?
A. No, sir.
Q. Have you been punished in any other way than you have stated to the Committee ?
A. No, sir.

JAMES FERNALD—*Sworn.*

- Q. (By the CHAIRMAN.) How old are you ?
A. Eighteen last November.
Q. How long have you been here at Westborough ?
A. Three years next May.
Q. To what town do you belong ?
A. Newburyport.
Q. What class are you now in ?
A. In the third class.
Q. Have you been punished in the institution at any time ?
A. Yes, sir.
Q. What have you been punished for ?
A. For running away.
Q. How were you punished ?
A. My clothes were taken off.
Q. Then you were strapped ?
A. Yes, sir.
Q. By whom ?
A. By Col. Shepherd.

- Q. When was that ?
A. Almost two years ago.
Q. Were you strapped hard ?
A. Yes, sir.
Q. Were you ever strapped after that ?
A. Yes, sir.
Q. Who by ?
A. Mr. Shepherd.
Q. Were your clothes on or off ?
A. Off.
Q. Do you mean your jacket and shirt ?
A. Jacket and pants.
Q. What were you punished for then ?
A. For whispering in the shop and playing.
Q. You disobeyed one of the rules ?
A. Yes, sir.
Q. Were you ever in the sweat-box ?
A. No, sir.
Q. Have you been treated well in the school by the officers ?
A. Yes, sir.
Q. Did you think the punishment was a hard one ?
A. No, sir ; it was not so very hard.
Q. Do you think you deserved it ?
A. Yes, sir.
Q. (By Mr. PRESCOTT.) How many times have you been punished with the strap ?
A. I do not know.
Q. You mentioned two times ; have you been punished at other times ?
A. Yes, sir.
Q. Who else have you been punished by ?
A. Mr. Cummings.
Q. What did he punish you for ?
A. Whispering in the shop.
Q. How did he punish you ?
A. On the hands.
Q. What other times have you been punished ? It will be no harm to you.
A. I was punished two or three times afterwards.
Q. Were you ever punished over your back or legs by Mr. Cummings ?
A. No, sir.
Q. Were you ever punished by anybody else ?
A. Yes, sir ; by Mr. Armitage.
Q. What for ?
A. For whispering in the class.
Q. How were you punished ?
A. On the buttocks.
Q. Were your clothes taken down ?
A. No, sir.

Q. Were you punished severely ?

A. No, sir.

Q. Were there any marks left on your person, so far as you know ?

A. No, sir.

Q. Have you been punished at any other time, that you think of ?

A. Yes, sir ; by Mr. Hayes.

Q. How were you punished by Mr. Hayes ?

A. On the hands.

Q. For what ?

A. For whispering in school.

Q. How many blows ?

A. I do not know.

Q. When you were punished by the officers, were you usually punished with a strap like that ? [The light strap.]

A. Yes, sir.

Q. Always ?

A. No, sir ; usually one no thicker than that, but about that size.

Q. You spoke about running away from the institution ; when you came back, were you punished by the superintendent ?

A. Yes, sir.

Q. How soon were you punished by the superintendent ?

A. Two days afterwards.

Q. What were you punished for then ; for running away ?

A. Yes, sir.

Q. Do I understand your jacket was taken off ?

A. Yes, sir.

Q. How many blows were struck ?

A. Ten at each time.

Q. Were you marked about the person ?

A. I was marked on the legs.

Q. Whereabouts ? Up around the thighs ?

A. Yes, sir.

Q. Were you ever punished upon the bare back ? How long ago was it that you were punished around the thighs and legs ?

A. Almost two years ago.

Q. At that time, were you punished on the bare flesh ?

A. Yes, sir.

Q. You have never been confined in the sweat-box ?

A. No, sir.

Q. Nor in the lodge ?

A. No, sir.

Q. Were you punished at one time for making a disturbance in the shop, when a lady was in charge ?

A. Yes, sir.

Q. What disturbance did you make ?

A. Whispering and playing.

Q. You were at that time punished by Mr. Cummings ?

A. By Mr. Shepherd.

Q. Were you punished at that time upon your bare flesh ?

A. Yes, sir.

Q. Where were you taken to be punished?

A. To Mr. Shepherd's room.

Q. Have you any marks upon your person now, the effect of punishment you have received?

A. No, sir.

Q. When were you last punished?

A. By Colonel Shepherd last.

Q. How long ago was that?

A. Two or three weeks ago.

Q. How were you punished then?

A. On the hands.

Q. Not on the person?

A. No, sir.

Q. Have you seen any boys in the institution who have been so severely punished that they have marks of their punishments?

A. I have seen Callahan.

Q. When did you see him?

A. After he was whipped.

Q. About how long ago?

A. About three months.

Q. Who was he punished by?

A. By Mr. Phillips.

Q. What marks did he show of having been punished?

A. Around his neck, and on his back.

Q. What part of his back?

A. Across the shoulders.

Q. What marks did he show?

A. A cut.

Q. Was the flesh cut?

A. Yes, sir.

Q. You do not know what he was punished with, do you?

A. He said he was punished with a strap.

Q. How long did he carry those marks?

A. About a month.

Q. Has he some of the marks now?

A. Yes, sir.

Mr. PRESCOTT. I shall probably want to see this boy Callahan. Col. Shepherd, will you have Callahan here?

Col. SHEPHERD. Yes, sir.

THEODORE JOHNSON—*Sworn.*

Q. (By the CHAIRMAN.) How old are you?

A. I shall be 19 the 20th of May.

Q. How long have you been in this school?

A. Twenty months.

Q. What town are you from?

A. Springfield.

Q. What school are you in?

A. The third.

Q. Were you put into the third school when you came here?

A. No, sir; into the fifth.

Q. Have you been punished at any time since you have been in the institution?

A. Yes, sir.

Q. When were you punished first; how long after you came here?

A. About two weeks after I came here.

Q. What were you punished for?

A. Disobeying some rule, I do not know what it was.

Q. How were you punished?

A. With a strap.

Q. Who by?

A. By Mr. Shepherd.

Q. Whereabouts?

A. In the office.

Q. On your hand?

A. Yes, sir.

Q. When was the next time?

A. By Mr. Armitage.

Q. What was that for?

A. Something I did in the shop.

Q. Do you remember what it was?

A. No, sir.

Q. How did he punish you?

A. With a strap.

Q. Whereabouts?

A. On my hands.

Q. Well, now, do you remember being strapped anywhere else than on the hand?

A. Yes, sir.

Q. Whereabouts?

A. On my back.

Q. With your jacket off?

A. Yes, sir.

Q. And shirt off?

A. No, sir.

Q. Shirt on?

A. Yes, sir.

Q. By whom?

A. By Mr. Hayes.

Q. What was that for?

A. Something in the dining-room I did not do. They were humming in the dining-room, and I was picked out as one of the guilty ones.

Q. How many times were you struck with a strap then; do you remember?

A. No, sir.

- Q. Was it a severe punishment?
- A. Yes, sir.
- Q. Were you ever in the box?
- A. Yes, sir.
- Q. How long ago?
- A. Five months ago.
- Q. What were you put in there for?
- A. For hitting a boy in the kitchen.
- Q. How long were you kept in the box?
- A. Three days.
- Q. One day right after the other?
- A. Yes, sir.
- Q. Three days in succession?
- A. Yes, sir.
- Q. Put in in the morning and taken out at night?
- A. Yes, sir.
- Q. And taken out in the middle of the day?
- A. Yes, sir.
- Q. How long in the middle of the day?
- A. Five minutes.
- Q. (By Mr. DAVIS.) To go to the water-closet?
- A. Yes, sir.
- Q. (By Mr. PRESCOTT.) Have you ever been confined in the sweat-box more than once, besides these three days?
- A. Yes, sir; once before.
- Q. By whom were you put in there? You were put in once before by Mr. Armitage; what for?
- A. Getting behind in my stint.
- Q. What do you mean by that?
- A. We have so many chairs to do.
- Q. How many do you have to do?
- A. Four hundred and twelve.
- Q. How far behind were you?
- A. Three chairs.
- Q. Why were you behind on your stint? Why did you not do your work?
- A. Because I could not do it.
- Q. How long were you kept in the box, at that time?
- A. Only a day.
- Q. When you were put in the box, how were you fed in the morning?
- A. On bread and water.
- Q. How much bread did you have?
- A. A slice.
- Q. Did you have anything at noon?
- A. No, sir.
- Q. What was your food at night?
- A. Bread.
- Q. How did this confinement in the sweat-box affect you?
- A. I did not feel very well after I came out.

- Q. Were you pressed into the box tightly ?
A. Yes, sir.
Q. Were your hands strapped at all ?
A. Yes, sir.
Q. Where were they strapped ?
A. Around the wrist.
Q. Did you get the strap off ?
A. No, sir.
Q. Did they strap them behind or in front of you ?
A. Behind me.
Q. Did your hands or feet swell ?
A. My hands swelled in the forenoon.
Q. When you came out of the box, did you have any trouble in walking ?
A. Yes, sir.
Q. What trouble did you have ?
A. I could hardly walk.
Q. Was this the first night ?
A. Yes, sir.
Q. Were you put in the next morning ?
A. Not at this time.
Q. Well, after you had been in there one day, did you not promise to do your duty in the future ?
A. Yes, sir.
Q. And after promising to do your duty, were you again placed in the box ?
A. Yes, sir ; they thought I had not been punished enough.
Q. Are you sure you promised faithfully to be a good boy ?
A. Yes, sir.
Q. Did they make you make that promise ? Were you put into the box again ?
A. Yes, sir.
Q. How did you feel after you had been in the box three days ?
A. I felt pretty stiff.
Q. How long did you feel the effects of it ?
A. About two days.
Q. Could you walk readily as well as before ?
A. No, sir ; not as well as before.
Q. Were you ever punished by the use of the strait-jacket ?
A. Yes, sir.
Q. When ?
A. About four weeks ago.
Q. What for ?
A. Hitting a boy in the kitchen.
Q. How long were you kept in the strait-jacket ?
A. One day.
Q. Were you kept in the dormitory ?
A. Yes, sir.
Q. Do I understand you have been punished at all with the strap ?

- A. Yes, sir.
- Q. What sort of a strap; one like this? [The light strap.]
- A. Yes, sir.
- Q. Were you punished over the person, so as to leave any marks there for one or two weeks afterwards?
- A. Yes, sir.
- Q. Where were these marks?
- A. On my back.
- Q. What part of your back; your buttocks?
- A. Yes, sir.
- Q. In other ways were you marked?
- A. No, sir.
- Q. Have you been punished in any other way than what you have described?
- A. Down in the lodge.
- Q. Were you down in the lodge to-day?
- A. Yes, sir.
- Q. How long have you been there?
- A. Six days, to-day.
- Q. What are you down there for?
- A. Hollering in the yard.
- Q. How are you fed while in the lodge?
- A. Bread and water. To-day I got coffee.
- Q. Are you fed with bread and water three times a day while in the lodge?
- A. No, sir; twice a day.
- Q. You have been in the lodge six days?
- A. Yes, sir.
- Q. Have you confessed?
- A. I did, when first accused of it.
- Q. Have you promised to do better?
- A. I did this morning say I was sorry for it.
- Q. You told who?
- A. Mr. Wheatley.
- Q. Have you asked, during these six days that you have been there, to be released from the lodge?
- A. Not until this morning.
- Q. What did he tell you this morning?
- A. He told me no.
- Q. Did he tell you how soon he would let you out?
- A. No, sir.
- Q. What was the nature of this offence in the yard?
- A. Trying to raise the officers.
- Q. What do you mean by that?
- A. If the boys have a little feeling against the officers, they try to take it out by hollering and disobeying.
- Q. Did you intend to assault the officers?
- A. No, sir.
- Q. Did you get up any plot to leave the institution?

- A. No, sir; I was in one plot when I was here about two months.
- Q. You were in a plot at that time?
- A. Yes, sir.
- Q. What was that plot?
- A. Trying to get out of the new yard.
- Q. Were you punished for that?
- A. No, sir; Mr. Shepherd forgave me.
- Q. Do you know of any boys in the institution who have been very severely punished, and then carried the marks of their punishment on their persons?
- A. No, sir.
- Q. You have not seen any boys of that kind?
- A. No, sir.
- Q. Do you know of any boys who have shown the effects of confinement in the sweat-box?
- A. No, sir.
- Q. You do not know of any boys who have been in the sweat-box?
- A. I have seen them sick when they came out of the box.
- Q. How do you know anything about it?
- A. I know it by my experience.
- Q. Were you sick in the box?
- A. Yes, sir; it is enough to make anybody sick.
- Q. What is there that makes that bad smell up there?
- A. In the first place, there have been so many boys there.
- Q. Do you mean because so many boys have been sick there?
- A. I do not know.
- Q. How often have you been sick in the sweat-box?
- A. One day.
- Q. You had an appetite for your supper at night?
- A. No, sir.
- Q. You could have had something to eat if you had wanted it?
- A. Yes, sir.
- Q. Were you so sick you did not want anything to eat?
- A. Yes, sir; I refused.
- Q. You slept well the night afterward?
- A. Yes, sir.
- Q. Did you ever go to sleep while in the box?
- A. Yes, sir.
- Q. How long did you sleep there?
- A. Two hours, trying to pass time away.

CORNELIUS CALLAHAN—*Sworn.*

- Q. (By the CHAIRMAN.) How old are you?
- A. I shall be 17 the 24th of this month.
- Q. How long have you been here at the school?
- A. Seven months, the 13th of this month.
- Q. Where do you come from?
- A. Boston.
- Q. What school are you in?

A. The fourth.

Q. What school were you in when you came here?

A. The fourth.

Q. You are in the same school now?

A. Yes, sir.

Q. You belong to a military company?

A. No, sir.

Q. You have been here seven months, you say?

A. Yes, sir.

Q. Have you been punished in the institution?

A. Yes, sir; twice.

Q. When were you punished first?

A. When I first came here, a boy struck me for getting my head over the line. Mr. Wheatley pulled out me and May, and whipped us.

Q. You say he took you out of the line. Where did he take you?

A. Out of the water-closet.

Q. Where did he take you to?

A. Into the office, in the entry.

Q. How did he punish you?

A. With a long strap.

Q. With one like that?

A. With one like that. [The large strap.]

Q. On your hand?

A. Yes, sir.

Q. How many blows did he strike you?

A. About 15.

Q. Was that all that you did?

A. Yes, sir.

Q. Were you disobeying the rule when you went into the water-closet?

A. No, sir.

Q. That was soon after you came here?

A. A month.

Q. When was the next time?

A. I was punished by Mr. Phillips.

Q. How long ago?

A. In January.

Q. What were you punished for then? What had you done?

A. After the riot, they gave out new books, and took away all the old ones. I went in school one day, and they were not there. I asked where they were, and he did not answer. I spoke to him again, and he did not answer. I had my letters in my geography, and I wanted to tell him of it, so I kept up my hand. He did not answer, and I kept my hand up until I got tired. Then he came along to size the boys. First, I went down to the end of the line, and I told him to put me up to my size. He did not have time, and he went into supper. When he came out I went to get my size, and two boys who did not belong ahead of me shoved me out, and he put me in the line again. The next day he called me out, and took me into the entry, and told me to take off my

jacket. I asked him what for; and he told me to take it off. I would not do it until the third time; and then I took it off. Then he told me to take down my pants. I asked him what for; and he said he would tell me. Then he wanted me to bend over, and I did not. So then he strapped me standing up, and kept on for a long while. I went upon my knees, and he shoved me back into the corner and put his hand on my throat. I could not speak, but I made a motion with my fingers for him to take his hand off my throat. He kept on whipping me until the blood ran down my legs. When he got me down, he whipped me on the neck; and I have marks on my neck now. He gave me a pretty good strapping, and after awhile I begged. I got half across the floor, and he called me back, and told me to take off my jacket and to take my pants down. I did, and he punished me again. He kept me standing in the entry until after dinner, and then took me down to get my dinner.

Q. You are sure you did nothing more than what you said you did?

A. Yes, sir. Then I went in bathing Saturday, and the officer of the bath-room came in and looked at me, and said he could not see a white spot on my back, and my neck was all cut up.

Q. You had something of a scuffle with Mr. Wood?

A. No, sir, not at all; only the time he put me in the corner and commenced to choke me. All I could do was to point upward with my finger. He kept me a minute or so until I got hold of his wrist. He told me to stand up, and I did so.

Q. These are the only times you have been punished?

A. No, sir; I got punished again down in another school. Mr. Wheatley came along and shoved me, and asked me what I was doing. He asked me what shop I worked in, and I told him in Mr. Armitage's. He called me out, and gave me six straps.

Q. Was that since the punishment by Mr. Wood?

A. Yes, sir.

Q. (By Mr. DAVIS.) How long ago?

A. I cannot tell.

Q. (By the CHAIRMAN.) This punishment by Mr. Wheatley was on your hand?

A. Yes, sir.

Q. Were you ever in the sweat-box?

A. Yes, sir.

Q. When?

A. Mr. Shepherd put me in the first time, for fetching out some bread to a boy who was under punishment.

Q. How long were you kept in there?

A. Half a day.

Q. Were you ever in at any other time?

A. Yes, sir; Mr. Phillips put me in.

Q. How long?

A. He kept me from half-past six in the morning until seven o'clock at night.

Q. What did he put you in for, at that time?

A. For laughing at prayers.

Q. That makes twice in the sweat-box and three times with the strap; were there any other times that you were punished in the sweat-box?

A. No, sir; not that I remember.

Q. Were you punished in any other way?

A. No, sir.

Q. That makes all your punishments; did you think you had done wrong, this time you were punished?

A. I know I did wrong at the time I fetched out bread; but he asked me to do it, and I did it.

Q. The other times you thought you had not?

A. I did not do wrong the time I hollered. I only hollered a boys name that fell down, and was laughing at him. Mr. Wheatley shoved me back, and put me in the line. The next day he strapped me.

Q. (By Mr. PRESCOTT.) Do I understand you have any marks of your punishment?

A. Yes, sir.

[The boy exhibited his person, where the blows of punishment were administered.]

Mr. PRESCOTT. I cannot see any marks on your neck.

Q. (By Mr. PRESCOTT.) When were you punished there on the leg?

A. In January.

Q. Were you marked very badly at the time?

A. Yes, sir. There is another boy marked now.

Q. Haven't you been strapped since January?

A. No, sir.

Q. Do you mean to say these marks are marks you received in January?

A. Yes, sir. The other boy who was punished has marks on him.

Q. Who was the boy?

A. Ludden. In the night-time, when I went to bed, that would stick to the sheet and I got cold in it.

Q. Were you punished so that blood was drawn?

A. Yes, sir.

Q. (By Dr. HARVEY.) Do you mean to say these places bled?

A. Yes, sir; my neck bled, and he washed my neck.

Q. Didn't you get a kick there on your leg?

A. No, sir. The other boy got the same marks there.

Q. When did you see the marks on him?

A. To-night, in the water-closet.

Q. How happened you to see him in the water-closet.

A. We were in there, and he showed them to me. The boys told me they were going to have me up, and I showed him my marks.

Q. (By Mr. PRESCOTT.) How many blows did you receive?

A. He called me back a second time, and gave me as much as I had at the first.

Q. About how many?

A. About 25.

Q. You were not struck over the back at all?

A. Yes, sir; my back was all black and blue, and you could not see a

white spot on it, because the boys told me so, and the officer told me so in the bathing-room.

Q. Who?

A. Mr. Armitage; on Saturday.

Q. What time in January was this?

A. I cannot tell you.

Q. Do you speak of a one-armed boy being punished?

A. Yes, sir.

Q. Who was it?

A. Ludden.

Q. Did you see him punished?

A. No, sir; he told me about it.

Q. Who was he punished by?

A. By Mr. Wood.

Q. (By Mr. DAVIS.) Did you ever fight with Mr. Wood?

A. No, sir; I never undertook to pitch into any officer.

Q. What did you say this punishment was for?

A. Putting up my hand.

Q. The record is, "Callahan, 10 blows; offence, whispering."

A. He gave me more than 10 blows, and the second time he gave me more.

Q. How long did you feel the effects of this punishment?

A. Two weeks, on my legs.

Q. Did you have your pants off when he struck you?

A. I had my pants off as far as they would go. He gave it to me, and I did not stand up; and every time I got down on my knees he would give it to me on my head.

Q. What did he do with you?

A. He stood me in the office.

Q. Do I understand you have been punished by any other officer over the legs or buttocks?

A. No, sir.

Q. You have never seen Mr. Wood punish other boys?

A. No, sir.

Q. Well, about your punishment in the sweat-box, what effect did it have upon you, so far as your physical condition is concerned?

A. It did not have any effect upon me.

Q. Did you have your hands strapped behind your back?

A. No, sir.

Q. When you were taken out, could you walk readily?

A. I was taken out about half-past three in the afternoon.

Q. Well, were you once in the sweat-box three days?

A. No, sir.

Q. Well, have you seen any other boys here who show marks of punishment upon their persons?

A. Yes, sir; Ludden. And Lutz—his leg is all black and blue now.

Q. Whose?

A. Lutz's.

Q. Are there any other persons you have seen with marks on their persons from punishments they have received?

A. No, sir.

Q. Well, is there anything further with regard to your punishment that you care to state.

A. No, sir; the marks are there to be seen on my neck where he strapped me over the head. It is not a very nice thing to show my folks when they come up this month.

Q. Do you attend to your work in the chair-shop?

A. Yes, sir.

The CHAIRMAN. Nothing further. You are excused.

Adjourned to meet in the green room, Friday, April 13.

ELEVENTH HEARING.

FRIDAY, April 13, 1877.

Senator DENNY in the chair.

E. B. BIGELOW—*Continued.*

Q. (By Mr. HYDE.) You were examined the other day, but I was not present. I only wish to ask you a few questions. In the first place, I would like to ask you about the boy Burns. It has been said, I believe, some time during the investigation, that you struck him with your fist while he was in the line? .

A. I do not know of any such case.

Q. Have you seen the evidence to which I refer?

A. No, sir; nothing about Burns.

Q. Do you know a boy named Burns?

A. I know a boy named Burns, but I have had no trouble with him.

Q. Then you have no recollection of any trouble with the boy Burns? It has been said that you struck him— I am mistaken, I mean the boy Dunn.

A. Under the by-laws— Do you wish me to go on?

Q. Yes. It is said you struck the boy Dunn, and knocked him down.

A. In the morning, when the boys were getting up, and after they made their beds, there were about a dozen boys got together, and I went and spoke to them and requested them to stop talking. It was against the rules for a boy to talk; and I sent Dunn away from the steam-coil, and had him stand on the line until it was time to go out. He had something to say, and looked very impudently at me. I went away, and as I passed away I saw him talking again. I requested him to go into the line, and get away from the other boys. I went and took hold of him to pass him out. I do not think he went into the floor, but I took hold of him and gave him a twitch and sent him out, because he did not start when I told him to.

Q. How did you take hold of him, and where?

A. I think I caught him by the shoulder; then he had something to say, and looked around to me, and I placed my hand upon him and gave him a whirl, and he passed into the floor. I told him to come with me, and I took out a little strap and hit him, perhaps four or five times, and he said he would never do any such thing again. When the Committee were up there, they asked me about this boy Dunn, and I did not remember of having any trouble with him; but when I came to see the boy, I remembered all about it.

Q. Now, what I want to ask you is, whether or not you struck him with your hand or fist?

A. No, sir; I took him and gave him a sort of a whirl.

Q. You understand what I mean by a blow?

A. I did not give him any blows.

Q. Or strike him in the face?

A. No, sir. My hand might have come around into his face, but I took him and gave him a whirl and started him along.

Q. How about Cosgrove?

A. I was passing the line to the chapel, and there were quite a number of boys, talking in the line, which is against the rules. I requested them to stop talking. Cosgrove passed along, and he had something to say before he got opposite me. Just as he got opposite me he told me to go to hell. I stopped and gave him a slap right in the teeth.

Q. Was your hand open or closed?

A. My hand was open; and I gave him a slap right side of the cheek, and told him to stop his noise. After the boys came out of the chapel I think I requested Mr. Phillips to stop the boy in the line, for I wanted to see him. I took the boy out and punished him on the hand with a little strap. I have here the strap with which I punished him; there it is. [Presenting the strap to the Committee.] That is the strap I punished Cosgrove with.

Q. (By Mr. DAVIS.) Did you punish him with any other strap?

A. No, sir.

Q. (By Mr. HYDE.) How many blows did you give him?

A. I should judge 10 or 12; it is in my report. I do not know how many; I put them down in my report.

Q. Now, I do not know whether it was asked you or not, the other day, but there has been considerable said about the boy Collins as connected with the riot. I would like to have you tell what trouble, if any, you had with that boy prior to the riot; or if there is anything connected with it prior to that time?

A. I had a little trouble with him two days before the riot. The night before I had this trouble, about a dozen boys were talking together, I thought they were talking up some plot, and I told the officers that I thought these boys needed watching very closely. I took the names of a few of the boys,—all those that I knew,—and I went in to look out of the dormitory window to get the names of more of them, but the whistle blew, and they were separated. I spoke about this that afternoon, at the office. The next morning, when I was passing the boys from the wash-room down to the bathing-room,—that being a part of my business, as well as to see that the boys were orderly in the water-closet and passed orderly into the line,—as I was passing the boys, there was a boy passed through the line, and I requested him to pass back, and he passed back. Immediately another boy came right through, and I put out my hand to stop him. I told him to pass back and wait until the line had passed, or to go back to the line. He did not start, and I pulled on him. I saw it was this boy Collins. I pulled on him, and he turned around and put up his hands; I gave him a twitch, and took this right hand and gave him a shove—it could not really be called a blow or a shove, it was a sort of a shoving blow that could not hurt any one; I gave it to him, and put him

through the line, and he went through. Perhaps the whole thing did not occupy a quarter of a minute. It was done in a very few seconds. After the line had passed, I was released by Mr. Wheatley. I was out in the yard talking with the boys, and I called him one side and talked with him. I told him I had never had any trouble with him before, and talked with him about it, and told him if he ever conducted himself in that way again I should punish him. He seemed to be all right, and I left him. That is all I had to do with him. I had never had any trouble with the boy before, and had always been pleasant with him, but a few weeks before he used very violent language to an officer there because he requested him to mind.

Q. Who was the officer?

A. Mr. Wheatley.

Q. Was that all the trouble you had with him?

A. That was all the punishment I gave him. If I had known he was going to resist, I should have told him to stay there; but I got hold of him, and pulled him, and saw who he was, and I thought it was best for me to go through.

Q. There was another case that has been spoken of, and that was the case of the boy Watson. You may tell us the circumstances, so far as they are known to you.

Mr. DAVIS. Did he not go all through that the other day?

Mr. BIGELOW. I think I did.

Mr. HYDE. If he went over it the other day, I do not wish to ask about it; I have nothing further to ask him.

Q. (By Mr. DAVIS.) I have a few questions I would like to ask you, Mr. Bigelow. You remember, when the sub-committee were up there, they questioned you closely in regard to this case of Dunn's, and you did not know much about it?

A. I did not remember anything about it?

Q. Well, how does it happen you know so much more about it than you did then?

A. Because I have had a chance to think it up; I did not remember the boy's name then.

Q. Did not the Committee try to give you an opportunity, and ask you to do so?

A. Well, I did not remember anything about him. I did not even know the boy's name. When I came to see the boy, when he was called out, I remembered all about it.

Q. You was there when he gave his evidence before the Committee?

A. No, sir.

Q. Well, in the first place, you gave your evidence, and then he was called. Was that the reason that you could not testify about him?

A. Yes, sir. When I came to see the boy, I did not remember about any other boy being knocked down.

Q. You did not remember then anything about any trouble you had with him?

A. No, sir; I did not remember who the boy was, or anything about it; I did not know the boy's name.

Q. Your memory simply has been refreshed since then ?

A. I told you, when I saw the boy, I remembered that I had some trouble with him.

Q. But you did not definitely know what it was ?

A. I know I never knocked him down.

Q. You did not state before the sub-committee as distinctly as you have to the Committee; you do not pretend, do you ?

A. Perhaps I did not use the same words, but in substance nearly the same.

Q. Are you quite sure that you know how many blows you strike a boy when you punish him ?

A. I calculate to. If I have occasion to punish a boy in school, at the end of the month I always ask the boy before I make out my report what boys have been punished, and how many blows.

Q. Then, at the end of the month, you establish your record by asking the boys how many you have given them ?

A. I have done so.

Q. You do not count one, two, three ?

A. I know about it myself, and I want to know what their opinion is.

Q. Which way do you put it if they disagree ?

A. They never disagree.

Q. Always agree ?

A. Yes, sir.

Q. You say, " I have given you so many blows, haven't I ? "

A. I generally ask them what boys have been punished, and how many blows.

Q. Then you do not even know. You don't set it down what boys you punish ?

A. I do not, sometimes. Sometimes I carry it in my mind.

Q. Then, at the close of the month, you say, " Boys, how many have I punished this month ? " Is that the way ?

A. I have done so most always when I have made out my reports of punishments.

Q. Suppose two or three did not get up and signify it ?

A. Well, I would have something to say about that.

Q. Then, really, your record is in your mind and memory, and that is about all it amounts to ?

A. Well, I very often put it down in a book.

Q. You do not always ?

A. No; I have not always. I do not punish so many but that I can remember. I very often put down in a book the punishments I administer. I think I did in January.

Q. Well, I would just as soon it would go that way as any ?

A. I want it to go right.

Mr. DAVIS. Well, if you have stated it as you want it, it is right, as far as I am concerned.

Q. (By Mr. DAVIS.) Now, in your evidence the other day, in regard to the boys that come there now and the boys that have been there, you

say that the boys are not the same boys there now that were there some time ago; what do you mean by that?

A. I say it is a different class of boys; they seem to be harder boys.

Q. Well, are not the boys really the same now that have been there for a number of years?

A. Some of them.

Q. Have they not been there, some of them, 5, 6, 7, or 8 years?

A. Yes, sir.

Q. And, of course, they grow larger every year?

A. Yes, sir.

Q. As they would anywhere else?

A. Yes, sir.

Q. Didn't they used to grow just that way?

A. Yes, sir.

Q. Well, how does it happen, then, that a boy 18 years old, if he is 18 years old to-morrow, and another boy six or seven years ago was 18 years old, is not the boy 18 years old now just as large as the boy who was 18 years old ten years ago?

A. The average age is perhaps three or four years older. I don't know how much, but I should judge three or four years.

Q. In the matter of explaining, the other day, about the hardness of the boys, that some were worse than they used to be, you said a great many now come from the country?

A. I spoke about the Providence School, and said a great many of those boys came from the country. I was speaking of that school then.

Q. Do you think boys from the country are worse than those from the large cities?

A. No, sir; I do not think the boys there are so bad as they are at the Westborough institution.

Q. What is the influence, in your judgment, of the present manner of punishing at the institution?

A. Will you please ask that question again?

Q. What, in your judgment, is the influence upon the boys of the present manner of punishment at the institution?

A. Well, it is good; we have to have something in order to live with them. We have to have something to keep order; I should for one—and I think all the rest would—not have any punishment; but there has to be something so that we can live with them.

Q. So far as your judgment goes, it works well?

A. Yes, sir.

Q. You do not know of any other better remedy?

A. Well, yes, sir; if we could have a number of cells to put boys in to keep them a proper length of time, without being interfered with, I think that would work very well.

Q. What do you mean by being interfered with?

A. Well, if you could put a boy in and keep him, perhaps the same length of time you would in the house of correction, perhaps it would be something of an improvement.

Q. How long would you like to keep a boy there?

A. I would like to put a boy there so that he would have no chance to talk with any other boy. I think in the lodge, a great many boys had just as lief be there, and in fact would rather be there than not. I have seen boys put in the lodge more or less for 12 or 14 years. If they are put up in the lodge, they talk most of the time, vulgar and profane language when there is an opportunity. I think they grow no better as a general thing.

Q. You have not much faith in the lodge as a place for reformation?

A. Well, if one boy could be put away by himself, I think it would be a good thing; but where there are three or four or five boys in the lodge, where they can talk and have a good time, I think a great many boys would just as lief be in the lodge; they cannot see much, but they can talk.

Q. How many cells have you there that can be made dark?

A. There has been but one until within a very short time; I think there are four now.

Q. You said the other day, Mr. Bigelow, that you did not punish when you were angry?

A. I do not calculate to.

Q. And that you did not get angry very quick, or something like that?

A. No, sir.

Q. How long does it take for you to get angry, Mr. Bigelow?

A. Well, that depends upon circumstances. You might wake me up pretty quick sometimes.

Q. It would not require just five minutes, any way?

A. No, sir.

Q. Well, if a boy resisted, you would be inclined to get cross?

A. If a boy resisted— If I told a boy to pass the proper place for him to pass, why, I should calculate he would go there. If a boy resisted me, had pitched into me, as they often do, I should be considerably in earnest, I think.

Q. Would you get angry pretty quick?

A. I do not know as I should, but I should calculate to conquer the boy; I should have a determination that would carry me through.

Q. It would be very provoking, wouldn't it?

A. Well, it would provoke a great many, I suppose; but we are in this business, and we would not feel it as quickly as one who was not in it.

Q. (By Mr. PRESCOTT.) How long do I understand you have been connected with this school?

A. About four years and three months, I should think.

Q. When did you first go to the school?

A. I first went to the school in February, 1873.

Q. How long did you remain at that time?

A. A little over three years. I went away in March, 1876.

Dr. HARVEY. You mean from 1863 to 1866?

Q. (By Mr. PRESCOTT.) Your first connection with the school was in February, 1863, and you stayed there until March, 1866?

A. Yes, sir.

Q. When did you begin your next connection with the school?

A. February 4, 1876.

Q. What other institutions have you been connected with?

A. The Providence Reform School; I was there seven years. I was in the Girls' Industrial School at Meriden, Conn., one year.

Q. Have you been connected with any other institution?

A. No, sir; not to be engaged.

Q. Well, did you leave this institution of your own accord?

A. Yes, sir.

Q. When you were first connected with the Westborough School, from 1863 to 1866, did you leave the institution then of your own accord?

A. Well, I had personal troubles with the superintendent, and I made this remark,—that I had got enough of him; and he told me Hutchinson would settle with me. I think those were the words used.

Q. Who was the superintendent?

A. Joseph A. Allen.

Q. I want to ask you distinctly, and have you answer it distinctly,—were you, at a previous time, discharged from this institution for your treatment of a boy there?

A. No, sir.

Q. Well, after you had once left the school; that was in March, 1866, was it?

A. Yes, sir.

Q. Then, about ten years afterwards, you applied for a position again, did you, or how did you happen to get back there in the school?

A. Well, I think I did.

Q. You applied for a position?

A. I was up there, and when up there was talking with Col. Shepherd. I think I might have applied.

Q. And to whom else did you apply?

A. No one else, that I remember of.

Q. How soon after you applied did you receive an appointment?

A. I do not remember.

Q. Did you tell Col. Shepherd of your previous connection with the school?

A. Yes, sir; I think I did.

Q. Did you tell him with regard to your leaving the school before?

A. I do not remember what I said.

Q. Didn't he ask you why you left the school before?

A. I think I showed him letters from the superintendent down at Providence, and also letters from the Meriden school.

Q. Are you sure you showed him letters?

A. Yes, sir; and showed them to Dr. Harvey.

Q. Did you tell Dr. Harvey of your previous connection with the school?

A. I do not remember whether there was anything said about that or not.

Q. Well, as far as you know?

A. I do not remember anything being said with regard to that.

Q. And you mean to say you were reappointed there to the institu-

tion, and nothing was said about your having been there and left there ten years before.

A. I presume there might have been something said, but I do not remember it.

Q. Didn't they ask you the nature of the circumstances, and why you left?

A. I do not remember anything about it.

Q. You think, then, you got your reappointment from the superintendent and Dr. Harvey, mainly?

A. I know I showed the letters I had from Mr. Talcott, the superintendent at Rhode Island.

Q. Did you go to any of the other trustees?

A. No, sir.

Q. You do not know, then, that they knew whether you had been previously connected with the institution, or not?

A. I do not remember any conversation. I do not remember anything about it.

Q. I understand you to say, that after making out your list— And by the way, do you, when you punish a boy, keep a memorandum, and put it down?

A. I do sometimes, and sometimes I do not.

Q. When you put it down, where do you put it down?

A. On a book.

Q. Sometimes when you punished, you put it down, and sometimes you didn't? How did you do at the first of the month? How did you make out your list?

A. The first of the month I generally knew—I carry it in my head—about whom I have punished.

Q. Well, here is your list of punishments, I think, for the month of December; you may look at it, and see whether it is or not [presenting a punishment blank].

A. Yes, sir; it is.

Q. Is that your handwriting?

A. Yes, sir.

Q. That is correct? Is it your list?

A. Yes, sir.

Q. How did you make out that list?

A. I presume I made it out from my book; I certainly have part of it here.

Q. Well, were the boys, in the month of December, unusually turbulent?

A. Yes, sir; they seemed to be.

Q. How was it in January?

A. It was December, I think.

Q. It was a report for December. Were the boys very turbulent, sir?

A. Yes, sir.

Q. Well, how was it in January?

A. I think I had occasion to punish but one boy in January. I think that was made out from my book here.

Q. Well, in your list of punishments for the month of December, I find the names of eleven boys and the number of blows struck 176, the blows numbering from 10 to 25.

A. Twenty-five? I do not remember punishing a boy with 25 blows.

Q. There is the list, and you can see whether you filled it out. That is correct, is it?

A. I think perhaps it is.

Q. Well, what I want to get at is this: How it was that you had to punish eleven boys with 176 blows in the month of December, and in January you got along with punishing one boy with 15 blows, and that punishment was light? How is it? Why is there that great discrepancy in the list for the two months?

A. Well, I had more boys to punish in December than any other month I had been there,—as many again, I think. Perhaps I was in the third school a number of days.

Q. Well, do you think your punishing so many boys as you did so severely, as your report shows—

A. I did not calculate I did punish them severely.

Q. Well, do you think that punishing so many, and as severely as you did during the month of December, had anything to do with the uprising of these boys in the month of January?

A. No, sir.

Q. Were you there in the institution during the month of last April?

A. Yes, sir.

Q. Were you there during the month of October?

A. Yes, sir.

Q. Did you punish any boys during those months?

A. I do not think I did. There was one month that I did not punish a boy. I think the first month I was in the school I did not. I do not remember that I did. I know that in September or October I did not punish a boy.

Q. You have charge of the boys in the yard, do you?

A. Yes, sir.

Q. You usually carry your strap, do you?

A. No, sir.

Q. When you are out in the yard, don't you have it in your pocket?

A. No, sir; not very often. I may occasionally, but not very often.

Q. What strap do you use?

A. I have used a strap similar to that [the light strap].

Q. Have you ever used a heavier strap?

A. I think so; two or three times.

Q. Have you ever used a round tug or trace?

A. No, sir.

Mr. PRESCOTT. These are the reports of Mr. Bigelow for the past year, and I would ask that they may be put in. There are no returns for April and October.

Mr. BIGELOW. I had no boys to report those months.

STATE REFORM SCHOOL.—*Record of Corporal Punishment inflicted by E. B. Bigelow, from March 31 to April 1, 1876.*

DATE.	N A M E .	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Mar. -.	Wm. Ronan, ¹	10	Heavy,	Strap,	Yes, .	Personal, . .	Good.
	Daniel Sullivan, 2d, ²	15	"	"	" .	" . .	"
	John Corniff, ³	10	Med'm,	"	" .	" . .	"
	Jos. McGuire, ⁴	8	"	"	" .	" . .	"

Offence and Remarks. {¹ Disorder on line.
² Disorder on line and refusing to mind, etc.
³ Not willing to mind; refusing to mind, etc.
⁴ Talking in hall; refusing to do what he was told to do.

From April 30 to May 31, 1876.

May 21,	F. H. Bailey, . .	10	Light,	Strap,	Yes, .	Personal, - .	Good.
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From June 30 to July 1, 1876.

June -.	F. W. Bailey, ¹	10	Severe,	Strap,	Yes, .	Personal, . .	Good.
	James Crooks, ¹	12	"	"	"	" . .	"

Offence and Remarks. ¹ Repeated disobedience.

From June 30, to July 31, 1876.

July 25,	Fred. Keyser, . .	12	Severe,	Strap,	Yes, .	Personally known,	Good.
30,	P. Sculley, . .	14	"	"	" .	" " "	"

* Don't know yet.

From August 1 to September 1, 1876.

	Chas. Gilmore, ¹	20	Severe,	Strap,	Yes, .	Personally known,	Good.
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Offence and Remarks. ¹ Repeated disorder, and impudent.

From September 1 to October 1, 1876.

Sept. 26,	Wm. H. Cadron, ¹	10	Light,	Strap,	Yes, .	Personally known,	Good.
Oct. 2,	Charles Orr, ²	15	Severe,	"	" .	" " "	"

Offence and Remarks. {¹ Disregarding rules.
² Direct disobedience.

RECORD OF CORPORAL PUNISHMENT—*Continued.**From November 30 to December 31, 1876.*

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Dec. 4,	Patrick Sculley, ¹	20	Heavy,	Strap,	Yes,	Personally known,	Good.
5,	Chas. McCray, ²	15	"	"	"	"	"
5,	Math. Noonan, ³	15	"	"	"	"	"
5,	Michael Long, ⁴	20	"	"	"	"	"
20,	John McDermott, ⁵	25	"	"	"	"	"
21,	Wm. S. Snell, ⁴	15	Med'm,	"	"	"	"
21,	John Bowers, ⁴	12	"	"	"	"	"
25,	Frank Lynch, ⁴	12	"	"	"	"	"
26,	Joseph Regan, ⁴	10	"	"	"	"	"
26,	John Crowley, ⁴	12	"	"	"	"	"
26,	Thomas Whalen, ⁵	20	Heavy,	"	"	"	"

Offence and Remarks. ¹ Repeated disorder, lying and stealing.
² Repeated disorder.
³ Impudent, and lying.
⁴ Repeated disorder.
⁵ Repeated disorder in dining-room and on line.

From December 31 to January 31, 1877.

Jan. 12,	Jas. Cosgrove, ¹	15	Light,	Strap,	Yes,	Personally known,	Good.
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Offence and Remarks. ¹ Talking on line, and impudent.

From January 31 to February 28, 1877.

Feb. 18,	John Corniff, ¹	20	Severe,	Strap,	Yes,	Personally known,	Good.
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Offence and Remarks. ¹ Very impudent. Refusing to go to the office. Realising, showing himself to be a very bad boy.

Q. Well, how did the boys behave themselves last February?

A. Well, we have got along very well, I think.

Q. You have only had to punish one, I think?

A. I think not.

Q. That was after this investigation commenced, I think?

A. Yes, it was.

Q. Do you sometimes confine boys in the sweat-box?

A. Very seldom.

Q. You have at times?

A. Not in the sweat-box. We have not any sweat-box there?

Q. Do you think a boy should be let out the moment he repents?

A. I always calculate, as soon as I am satisfied that a boy means what he says, to let him out, and give him a trial.

Q. You spoke about this punishment of the boy Watson; that was by officer Wheatley, was it?

A. I do not know that I spoke about any punishment of that boy?

Q. Well, in your evidence here, the other day, you spoke about looking through the key-hole into the room?

A. Yes, sir.

Q. I did not understand about that. You were in another room, and there was something going on, and you were looking through the key-hole?

A. Mr. Wheatley took him in to search him, supposing he had something in his pocket. He asked me if he could go into my room; and I told him, yes. I stepped right out into another room, and the boy stood so that I could see one side of him by looking through the key-hole. Mr. Wheatley requested him to take his hands out of his pockets; he wanted to see what he had, and the boy said he would not.

Q. I do not want to go over that part of it; but I wanted to know how it happened that you were looking through the key-hole?

A. I expected he would give trouble. I told Mr. Wheatley what he said when he was in the dining-room. I told Mr. Wheatley I thought he was a dangerous boy,—we always calculate to search boys before we put them in the lodge,—and he wanted somebody to be near.

Q. Well, if you expected it, why didn't you go right into the room, instead of peeping through the key-hole?

A. Well, we thought it would be better not to.

Q. You were peeping through the key-hole, so as to be ready in case of emergency?

A. Yes; we thought he was a dangerous boy, and did not know what he had.

Q. (By the CHAIRMAN.) You have had how many years' experience in reform schools?

A. It has been my business about fourteen years; ever since 1863.

Q. In your judgment, are the modes of punishment at the Westborough Reform School necessary, in order to maintain discipline in the institution?

A. I think they are; I do not know what we could do without them. We have met together a great many times, in the superintendent's rooms, and talked over the best way to get along. I think we have had a pretty hard time to keep things straight with these boys this last year.

Q. (By Mr. DAVIS.) Have you had any conversation with anybody in the way of complaint against Col. Shepherd in regard to his severe punishments there?

A. No, sir.

Q. You have never intimated to anybody that Mr. Shepherd was cruel?

A. No, sir.

Q. Did you ever tell Mr. Chase anything of that kind?

A. No, sir.

Q. (By Mr. PRESCOTT.) Have any complaints been made to you, during your last service, of your punishments being too severe?

A. No, sir.

The CHAIRMAN. You are excused.

Mr. PRESCOTT. I would say, Mr. Chairman, that I requested Mr. Allen, the former superintendent for several years, to come before the Committee, and he does so at great sacrifice. I would like to have his testimony taken now, if it would please the Committee.

The CHAIRMAN. How long will it take?

Mr. PRESCOTT. I don't think it would take more than a few minutes.

The CHAIRMAN. Mr. Hyde, Mr. Prescott says he would like to have Mr. Allen's testimony taken now; will that suit your convenience?

Mr. HYDE. Certainly.

JOSEPH A. ALLEN—*Sworn.*

Q. (By the CHAIRMAN.) You were formerly superintendent of the Reform School?

A. Yes, sir.

Q. When, and how long?

A. I think between six and seven years, from the time Gov. Banks turned out the previous board.

Q. When was that, in 1858?

A. No, sir; in 1860, I think.

Q. Well, from what time to what time were you superintendent?

A. Between 1861 and 1867.

Q. From what year to what year?

A. From January, 1861, to the middle of 1867.

Q. What was the age at which boys were admitted to the institution?

A. It was changed just before I went there to fourteen years.

Q. Fourteen years was the maximum?

A. Yes, sir.

Q. Boys over fourteen were not admitted while you were there?

A. No, sir.

Q. Have you been familiar with the character of the boys there since you left?

A. No, sir. I have been acquainted with the superintendent, but not with the boys.

Q. What was the mode of punishment that you used while you were superintendent of the institution?

A. I think the by-laws have been read here, and are in the report.

Q. I mean the mode of discipline?

A. There was nothing permitted by the trustees or myself except under the same regulation you have in the Boston schools. The rattan upon the hand was all that was allowed by the trustees or by myself.

Q. Were punishments ever inflicted that were not allowed by the trustees?

A. Yes, sir; they were frequently practised, those that were not allowed by the trustees.

Q. I mean corporal punishment. We have a thousand and one little ways of punishing boys, of course. Were these corporal punishments, not allowed by the trustees, inflicted?

A. I should say there were sometimes, but not by the trustees' or my permission.

Q. They were inflicted by the officers of the institution, were they not?

A. Yes, sir.

Q. What punishments were inflicted by the officers which were not allowed by the trustees?

A. Well, sir, I have known an officer to strike a boy, quite frequently, thinking that they could not get along without it, and after repeated reprimands the trustees or myself would change the officer. That was the usual course. It is a very difficult place for any officer to fill, sir.

Q. It is?

A. Yes, sir.

Q. I was just going to ask you about that. Were the boys at the State Reform School, when you were there, a hard set of boys to manage?

A. Well, sir, I went there after the board of trustees were removed because they allowed such severe punishments. We had large boys there, and I sent 26 of them direct to the army. Of course they had to be over eighteen. We used occasionally to take a boy from the ship who would make up his mind he didn't wish to be a sailor, and I used to exchange him for one who did. I have taken very large boys back.

Q. My question was, Were the boys at the State Reform School, when you went there, a hard set of boys to manage?

A. I should say they were, sir.

Q. Could you take boys from the ship when they were over fourteen years old?

A. We were allowed to transfer, the trustees being allowed to exchange boys.

Q. While you were in the institution, did you have any serious trouble with the boys by their attempting to escape?

A. I have had, I think, on an average, one and one-third boys a year who have gone away.

Q. That is to say, in six years eight boys got away?

A. I think so, yes, sir; and some years, more.

Q. With regard to the difficulties of discipline and management, will you please give your opinion about them, and tell us what difficulties you met with personally?

A. My judgment is, that a man in such an institution must have—no matter who the superintendent is—first-class men under him. A poor man, or a poor disciplinarian, would not manage the smallest district school without whipping. You must have able men in it; I mean able men in the very highest sense. If I may say so, a number of your Boston high school teachers and five persons who are superintendents of reform schools at the present time were officers of mine. I intended to get first-class men under me.

Q. You were able to obtain such men, were you, Mr. Allen?

A. I was acquainted with educational men throughout the State, and I selected, as far as possible, from them. I was able to do it, but the

superintendent at the present time must find it very difficult. Before the war half the salary would get a fine man, in comparison to what we could get during the war or since.

Q. You think, then, you were better able to get first-class men than you would be at the present time?

A. Yes, sir.

Q. (By Mr. DAVIS.) You mean for the same money?

A. For the same money.

Q. (By the CHAIRMAN.) What would be the result if you did not have first-class men?

A. They would have considerable trouble with the boys, and it would come to the superintendent, and he would have to take sides with one or the other.

Q. I will ask you this question: Under the appropriations made at that time, you could get a good teacher; under the appropriations made at the present time, do you think they would still be able to procure good men?

A. No, sir.

Q. Then you think the institution would labor under difficulties which it did not labor under when you were superintendent?

A. I think so, sir.

Q. (By Mr. PRESCOTT.) Mr. Allen, what other experience have you had besides your connection with the institution at Westborough? Have you ever been connected with any other such institution?

A. No, sir.

Q. I mean not as superintendent or officer, but have you been in any way connected with a similar institution?

A. I am a trustee at the present time of the school at Lancaster.

Q. What is your present occupation?

A. I am one of the members of the New England Classical School at West Newton.

Q. Do I understand that Prof. Spear, of the high school, was formerly one of your officers?

A. He taught during all his college vacations with me, sir.

Q. What number of boys did you have in the institution while you were there?

A. I think the average the last two years was about 325; perhaps 20 less than last year's average, if I remember the last year's report.

Q. Well, you speak about sometimes having discharged officers for their treatment and punishment of boys. Did you ever discharge Mr. Bigelow from the institution?

A. I did, sir.

Q. The same gentleman who preceded you on the witness stand?

A. Yes, sir.

Q. Under what circumstances did you discharge Mr. Bigelow from the institution?

A. Well, sir, Mr. Bigelow, in almost every respect, was a very admirable officer, capable of almost any position except that of a teacher. I never had employed him as a teacher; he was a very competent officer,

indeed, but very quick-tempered, and when he was angry, as boys there are pretty likely to make a man, he would be too severe. After speaking to him many times about it (I was anxious to retain him, he came from near my old home, and he was so able), I was called by an officer and told that Mr. Bigelow was again injuring one of the boys. I went immediately to the room, and I saw him inflicting a punishment upon a boy. I said I would take the boy immediately to the lodge and inquire into it, and he was angry, I judge, so that he was not willing that I should take him away from him altogether. I discharged him on the spot, and he never was on duty a moment afterwards. Of course, my action had to be indorsed by the trustees, and the only complaint they ever made to me was that I had not done it before, because it had been reported, and their attention had been called to it, and my attention, too; but he was a very able officer otherwise than that, sir,

Q. I understand you that your associations with him were such as that,—you had known him, having been born in the same neighborhood with him,—if you had felt it possible, you would have kept him?

A. Certainly; I never had any other difficulty with him.

Q. Were any other officers discharged there for like offences?

A. Yes, sir, several; quite a number.

Q. About how many were discharged for improper treatment of boys?

A. I recall at this moment two other men that you might say were discharged, but you know how it is. When we want to get rid of an officer, we are sometimes a little quiet about it, for it would not do for us to say he was discharged; but we make up our minds to make a change, and we do it carefully, perhaps. I think, now, of three who were removed because of severe punishments.

Q. Do you know whether any of these other officers, with the exception of Mr. Bigelow, have since been retained in the institution?

A. I do not, sir.

Q. Boys were not admitted there, as I understand it, while you were there, under the age of 14, but they were continued far beyond that age.

A. They were continued until they were 21.

Mr. DAVIS. I think there might be a wrong impression just there, Mr. Prescott. The boys were allowed to be committed there under 14, but they were not committed over 14.

Mr. PRESCOTT. I mean over 14.

Q. (By Mr. PRESCOTT.) Well, were you there as superintendent when the trust houses were in operation?

A. I filled them, and organized them, the first time.

Q. Well, while you were there, what was the mode of discipline, for instance, in the main building?

A. Well, sir, I went there with the determination, if possible, to carry on the institution without corporal punishment; I aimed at that every moment I was there, and I accomplished it as nearly as I could with the material I had. The only punishment allowed by the trustees and myself was the Boston regulation of the rattan on the hand. We put them in the lodge sometimes, but I reported to the trustees one year that not a boy had been in the lodge that year overnight, and I remember reporting to

them at another time that no boy had been in the lodge at all for three months; but these were exceptional cases.

Q. Well, were they, when you were there, hard boys, or what would be termed hard boys, or hard characters?

A. I had the pick of them out of the State.

Q. What was that?

A. I had the pick of them out of the State. I do not know how hard they were supposed to be.

Q. The main point I want to get at is this: It has been represented, and represented strongly, to the Committee, during this investigation, that the entire character and kind of the boys they now have at the Reform School are entirely different from what they were some years ago, in consequence of the school now receiving boys who were formerly sent to the school ship

Mr. HYDE. You misunderstand, when you say entirely changed. Of course the school was always understood to be a school for bad boys; it always was, and it was established for that purpose. It is only that now the character is changed by the admission of school-ship boys, which increased the age of commitment, not that it was not always a school for bad boys, because that is the object for which it was established.

Q. (By Mr. PRESCOTT.) Do you know about the character of the boys there now?

A. No, sir; I do not. I know the character of the boys of the school ship, because I have visited it many times, and I spent nearly a week there once.

Q. What was your opinion of the character of the boys there?

A. Well, they were older, and my experience seems to be different from some of the testimony I have read. The large boys were not the troublesome boys to me. I have asked several officers, and have found them to agree with me, that it was not the large boys who caused the most difficulty, but generally boys about 14 or 15, who are always up to some mischief. The boys of 18 can be easily reasoned with, in my experience and my judgment, and be persuaded that it is altogether for their interest to behave like men, and they would do it. My experience, then, is, that the larger boys of 17, 18 or 19 were not the ones that caused the trouble.

Q. I think the last report of the trustees', table No. 15, shows the offences for which these boys were committed last year. I will read from it the different offences for which they were committed, and then ask you a question in regard to it. [Reads the causes of commitment.]

"Assault and battery; breaking and entering; breaking, entering and larceny; disturbing the peace; idle and disorderly; larceny; malicious mischief; obtaining goods under false pretences; picking pockets; stubbornness; stubbornness and disobedience; trespass; vagrancy; attempt at rape."

Now, while you were superintendent of the institution, did you have boys sent to your institution for causes of that nature?

A. O yes; we had one for murder, who was with me all the time I was there.

Q. (By Mr. HYDE.) Mutiny?

A. Murder.

Q. (By Mr. PRESCOTT.) You spoke about the discipline in the main building; what was the discipline in the trust houses while you were there?

A. I never allowed corporal punishment at all.

Q. In the trust houses?

A. Never. I took the ground, that if a boy needed a whipping, he had better be inside the main institution, and it was never allowed. The punishment there was to come inside.

Q. Well, when boys had run away, how were they punished when they returned to the institution?

A. Well, I took a different view of running away from most persons. I took the ground that the reason they ran away was because they didn't like to live with me; and when they came back I tried to make them want to live with me, if I could.

Q. Well, did you punish them as soon as they returned to the institution?

A. No, sir.

Q. Not in any way?

A. No, sir; I kept them closer, and I did not give them the same privileges or the same chances to run away again, perhaps; but they were not punished by being flogged or anything of that kind.

Q. Did you have many attacks upon the officers while you were connected with the school?

A. I have no remembrance of any combination of boys to attack an officer while I was there. I have known cases where a single boy would strike an officer, but there were no cases reported to me where the boys combined to attack an officer.

Q. What was the condition of the school when you went there?

A. The officers were carrying their straps, and the week before pistols were drawn on the boys to keep them at bay.

Q. Do I understand you made any change in that regard?

A. If I could not have an officer who could not get along without a pistol, he could not get along at all.

Q. Do I understand the straps were not used at all while you were there?

A. No, sir; not to my knowledge, nor with my consent. The regulation was the Boston school regulation,—the rattan upon the hand.

Q. Were all of the subordinate officers allowed to punish?

A. No, sir.

Q. What was the regulation?

A. The leading teachers and the leading officers of the chair-shops were allowed to punish.

Q. It has been stated in the testimony with regard to this school, I think, that there were twenty or twenty-five persons who had authority to punish in any way they saw fit. How many persons were given power to punish while you were there? About how many?

A. Possibly there might have been six.

Q. Were the punishments recorded?

A. They were reported to me daily, if I remember right; I think they were reported to me daily. My object was to get rid of it, and therefore I examined the cases, and if they possibly could, the officers would get along in some way. I think the report was made daily, in writing.

Q. I suppose you have heard some of the testimony before this Committee, and are aware of the modes of punishment which are resorted to there, in the institution, are you?

A. No, sir; I have seen it in the papers.

Q. Well, among other methods, there are punishments by the strap; there are punishments by the box, called the sweat-box; there are punishments in the lodge, the boys being kept there sometimes as long as five or six weeks at a time, and in some cases kept without food or clothing. Another mode of punishment, that has appeared in the evidence before this Committee, is the matter of pouring cold water upon the boys, from a hose; another method, I think, is confinement in a strait-jacket; and another method, which I do not mean to say has been carried to any considerable extent, is to gag the boys. From your knowledge of the institution, and the character of the boys who are in the institution, some of whom,—at least, many of whom are of the same character as were those who were there when you were in charge of the institution,—what do you think, from your experience, would be the natural result of such punishments as these in the institution?

A. I think they would bring about a state of war between the officers and the boys; it would become a state of war.

Q. Do you mean to say, then, that these punishments would defeat their own purpose?

A. I do, sir.

Q. Well, leaving humanitarian views out of the case, don't you think it would be more difficult to manage and control boys after submitting them to such treatment?

A. I do not wish, in my remarks, to sit in judgment on the superintendent, by any means; because I am not there, I cannot tell; but no matter who the superintendent is, if he does not have first-class officers under him, he will have some trouble. We have reason to think he has now. Order must be maintained, and if a man has only physical force, and if he has not intellectual and moral force, he will have to use the power that he has. If the present superintendent can get only men of physical force, he must keep order with that.

Q. Will you be kind enough to repeat your last answer?

A. In such an institution you must have order. If your officers have no power but physical force, they must keep order in that way; but if they have moral and intellectual power, the physical force will drop out. If the present superintendent has not the means in his power to get first-class men, he cannot govern the school except by a good deal of severity.

Q. (By the CHAIRMAN.) Will moral and intellectual force always accomplish the desired thing as to discipline, in all cases?

A. I should have been glad, while I was there, to have had the State

pass a law forbidding the boys to testify before a committee of the Legislature.

Q. I guess you do not understand my question. My question was, Whether the intellectual and moral faculties will always accomplish the desired end in disciplining boys of the character of those in the Westborough institution?

A. Well, if one of the officers practised that, and six did not, he could not do it alone. You must be surrounded with high-toned men to do that.

Q. (By the CHAIRMAN.) You think there may be circumstances where that kind of power would not accomplish the purpose?

A. I think it would be well if a law were passed that corporal punishment should not be allowed in any part of the institution, not because that punishment might not sometimes be well, but in such an institution, enclosed within walls, where no one can know, it is liable to be abused. I would not trust myself, hardly.

Q. I understand you had good talent under you, in that institution, while you were there?

A. I had as good as I could get. I think my whole success, whatever it was, was due to those below me.

Q. And you still found corporal punishment necessary while there?

A. One officer told me he went three or four months without punishing at all.

Q. Well, you still found corporal punishment necessary while you had that talent under you?

A. I found it necessary, because the majority of the board of trustees always thought it was necessary, and almost all the officers thought it was necessary. I was almost a minority of one, and could not carry the point.

Q. The board of trustees would have been satisfied with good discipline, if you could have accomplished it without corporal punishment?

A. Yes, sir; but when officers act for you, with different ideas, it is more difficult to get along.

Q. But still, if you thought you could manage the institution without it, why did you resort to it?

A. I did not; I simply eliminated it as fast and as far as I could. You must remember the superintendent, as a general thing, has but little personal connection with the matter of discipline; he does not teach a school, nor manage a chair-shop; but he has to settle the cases that come up from below.

Q. Then you throw the responsibility upon the trustees, who were in favor of corporal punishment, while you were opposed to it?

A. I mean to say the majority of the trustees did not think it prudent to abolish it altogether; and while I was working and trying, as far as possible, to eliminate it, I could not hope to entirely succeed, you know.

Q. What I understand you to say is this, that with the best talent to be obtained,—and you had such talent,—you found that moral power is sufficient to maintain discipline in the State Reform School?

A. No, sir.

Q. That is what I understood you to say.

A. No, I do not know as I understand now exactly what you wish me to answer.

Q. I understand you to say that with the best of talent of officers and teachers, in an institution like the Reform School, corporal punishment would not be necessary to maintain discipline under such circumstances, and I understand you to say you had such teachers and such officers?

A. I did not say that. I said I was able to do more in that direction than it is possible to do now, because those officers and teachers could not be retained. Some of the best teachers you have in Boston were with me three years; you pay Mr. Daniels \$2,800 a year, and I paid him one-third or one-quarter as much.

Q. Then, if you had had better officers, you might have got rid of it altogether?

A. Yes, sir; and I would test an officer's ability by his ability to get rid of it.

Q. You had not the means, then, to retain such officers as would abolish it entirely?

A. No, sir.

Q. You think the men at present are not equal to what they were when you were there?

A. I should say so.

Q. Do you not think the class of boys is very much harder to manage than when you were there?

A. As I said before, the larger boys caused me the least trouble.

Q. I mean, taking the boys as a class there, do you or do you not think they are harder to manage than when you were there?

A. I should judge so by the testimony we have had.

Q. I would like your opinion. Do you or do you not think the boys at present are more difficult to discipline than the boys you had while you were there?

A. I think I should say they are.

Q. Emphatically you think they are?

A. Not from personal knowledge.

Q. But as far as you know?

A. Yes, sir.

Q. You also think the means at the disposal of the trustees are not what they were when you were superintendent?

A. No, sir; comparatively, they are not.

The CHAIRMAN. This is all information the Committee would be glad to have.

Mr. WASHBURN. This is very interesting, and comparatively philosophical. We have been going over a very different course of inquiry.

Q. (By Mr. WASHBURN.) Of course you would say that the true order of conduct was to get rid of corporal punishment, and that in proportion as you got able men, in that degree you got rid of it. Tell me your opinion on this point, whether, if you had such able men as you describe, it would be safe to abolish corporal punishment? Would it be well to have it understood that these men had no power, as a last resort, to call in the aid of corporal punishment?

A. I think it would be well to have that last resort. I remember talking with Dr. Howe about it, and he thought it was best; but the danger is not that I think a boy might not be whipped sometimes in such an institution, but it is so liable to be abused. Officers can punish a hundred times and the superintendent does not know it.

Q. That strikes me exactly as it does you in that regard. The fact that it is recognized, the fact that it exists, involves a possible abuse. I agree to that; I think it is perfectly sound. And yet it would not do for its moral effect upon these boys to have it understood throughout that institution that it was a law of the Commonwealth that no corporal punishment under any circumstances might be inflicted?

A. I was in favor of that, sir, and in the trust houses it was never allowed. You remember this is not a common boys' school; we have a lodge and a great many ways of punishment besides personal application; and the only objection to that is that it is liable to abuse. It is just the same in your insane asylums.

Q. Power?

A. Power.

Q. The possession of power involves the danger in reference to its exercise; I understand that. I am interested in your expression of opinion as to whether it would be safe to abolish the ultimate power, and have it understood through the institution that whatever might be done by the boys, no officer, neither the superintendent nor anybody else, had the power to administer corporal punishment to them?

A. When I was superintendent I was for the abolition of it?

Q. But now as a philosopher?

A. I am afraid of the power, sir; I think I would go for having it abolished.

Q. You think, even now, you would be in favor of abolishing it?

A. Yes, sir; there is great abuse in all our public institutions that never comes to the light, no matter how you investigate.

Q. Then, as an individual, if you were acting in the capacity of a legislator, you would even now think it was safe to abolish the power to inflict corporal punishment?

A. I would, sir.

Q. Of course you see the point of my inquiry? I want to get your opinion.

A. Yes, sir; my point would be because it is so dangerous a power in such an institution.

Q. That covers the point I wanted. The Chairman of the Committee suggests to me that I should ask you, as a matter of opinion, what you would include in the term corporal punishment,—whether you would include the sweat-box as corporal punishment?

A. I have had no experience. I do not know what it is, sir.

Q. Well, you would not include the lodge?

A. O no, sir; I believe in making boys mind decidedly and promptly, but I would like to have them mind from a different motive than fear. If you appeal to fear, fear is one of the lowest motives, and if you

appeal to it always it will degrade, in my judgment. You want some higher motive than fear.

Mr. WASHBURN. I feel I am trespassing somewhat on Mr. Prescott's time.

Mr. PRESCOTT. O no; go right on.

Q. (By Mr. WASHBURN.) And yet I put these inquiries to get your ideas of the subject. With reference to this so-called sweat-box, you have had no experience, and have nothing to say. You refer to what you understand to be corporal punishment in the popular sense of blows?

A. Yes, sir.

Mr. WASHBURN. I would like some time either to ask you some more questions or to listen to what you may say, but at present I will not continue my questioning any longer.

Mr. DAVIS. Colonel, I would like to have you bring out fully his judgment about this sweat-box. If you leave it here, I shall have to ask some more questions, if you do not.

Mr. WASHBURN. I shall not interfere with your inquiries, if you have any to make.

Mr. DAVIS. I should like to have you continue it, and I mean it respectfully, too.

Mr. WASHBURN. O, certainly.

Q. (By Mr. PRESCOTT.) Did you ever punish boys upon the bare back, especially boys from 16 to 20 years of age? Do you think it should be allowed?

A. No, sir.

The CHAIRMAN. When he says he is opposed to corporal punishment, does it not cover all the questions of this kind that you can ask? Col. Washburn asked about the sweat-box, and he said he did not know.

Mr. HYDE. I understand, Mr. Chairman, that corporal punishment is the infliction of blows upon the person.

Mr. WASHBURN. And he made it cover every kind of a blow.

Q. (By Mr. PRESCOTT.) I understand, while you were there, nothing of this kind was allowed?

A. No, sir; not by the trustees or by myself. I will say, if corporal punishments are allowed, it should be allowed on the younger; a little application of birch is good for children, but not for men, I think.

Q. What was the particular offence for which you discharged Officer Bigelow? I did not understand you distinctly what you discharged him for.

The CHAIRMAN. He stated it particularly.

Mr. PRESCOTT. Well, I haven't it distinctly in my mind.

Q. (By Mr. PRESCOTT.) What was the nature of the punishment for which you discharged Officer Bigelow?

A. I was called by one of the teachers, and one of the officers, too, I think, and was told there was trouble with Officer Bigelow again. I went and saw that he was in personal conflict with a boy. I did not inquire what it was, but I said I would take him to the lodge and inquire into it. He did not wish me to do so, but wanted to dispose of the boy himself,

and, except he had been very angry, I would not have done so, because he is very competent to manage boys in any other state of mind.

Q. Do I understand that he had punished the boy severely?

A. He was in conflict with the boy when I went in and found them.

Q. You mean he was punishing him?

A. Yes, sir.

Q. Do you not think that the punishment of these large boys naturally brings on insubordination?

A. Yes, sir; I certainly do. A large boy will not forget it, but a little boy will forget it if you spank him a little.

Q. Is there any particular reforming influence in the institution, so far as religious exercises or societies were concerned, that are not in vogue now, that you know of?

A. Well, if I accept the last report, there are more now than then.

Q. (By Mr. PRESCOTT.) The members of the tried and true, band of hope, Bible class and other societies, have appropriate badges. Do you not think that these things would naturally have a good tendency in the institution?

A. I think, that if you badge a boy for moral conduct, among his mates, to indicate that he is a better boy in that respect than they are, it will work about as well as it did in the family of Jacob, where he dressed Joseph better than he did the rest of his boys.

Q. (By Mr. WASHBURN.) Do you?

A. I think it would work better not to badge a boy on account of moral conduct, to show that this boy is better than the other one, because he is dressed differently.

Q. I am rather surprised to hear you say that; I thought you would think as I did, when I saw them. I thought they had a sort of a feeling that they had earned their badges, and that it was a great stimulus to all the rest to feel that they wanted to earn one too?

A. Excuse me; perhaps I did not make myself clear. Suppose a boy is a religious boy, if you please, and belongs to the Bible class and other religious societies, you will work against the others; but if you badge him for being faithful, and because he will not run away, that is another thing.

Mr. WASHBURN. O, yes; I get your distinction; I see your point.

The WITNESS. Twenty-five years ago, throughout the country, there was a great effort to get boys interested in religion, by committing verses in the Bible, and those who committed the most verses were supposed to be the most religious. But the testimony was that the worst boys knew the most about the Bible, and there was positive testimony that it created hypocrisy and humbuggery.

Q. (By Mr. PRESCOTT.) What did you rely on mostly while you were there as a reforming power among the boys?

A. The personal influence of the officer. Of course, we had our church service and Sunday school, as they have now; but as I stated in the reports, we relied mainly upon the character of the officers of the institution. If an officer does not act like a good Christian, he may talk Christian all he pleases, but it will not amount to anything among those

boys. I would be glad to say this: I believe that the influence of military in that school is positively injurious. The animal or fighting quality is uppermost already. Military, as far as it is military, develops the belligerent faculties, and the best authority in the world is against it. Captain McConnicle, in the report of the Board of State Charities, the best authority in the world, says that military in a reform school is directly opposed to what boys are there for.

Q. What authority is that?

A. Captain McConnicle.

Q. (By Mr. DAVIS.) He was one of the Board of State Charities?

A. No, sir; he was an Englishman, and he said that military in a reform school develops the wrong faculties among the boys. I think music would be a much better agent of reform. I would introduce all the music I could into the work-room and school-room, and everywhere in the institution.

Q. (By Mr. PRESCOTT.) It seems to me this has some bearing upon the point of labor. What labor do you think is most desirable in the Reform School?

A. I think there is no difference of opinion among thoughtful men that agricultural and horticultural labor is altogether better than any other. They had better labor than be idle, and standing and working at chairs may be the best thing they can do, but it is not nearly so good as agricultural labor.

Q. But is there not a class of boys in an institution of that sort that cannot be employed outside, but must be employed where there is confinement?

A. Well, I have had sometimes over 200 boys at a time out.

Q. (By Mr. HYDE.) How about the winter months?

A. I am only speaking of what he thinks best. Of course, you cannot work in the garden in the winter, as we farm boys used to.

Q. (By Mr. PRESCOTT.) What class of boys did you find most difficult to control?

A. Well, sir, the boys 15 years old, or along there. They are sent there to remain there until they are 21, and a boy of 15 thinks it a great while until 21; but a boy of 18 you can sit down and talk with him easily, and persuade him that you want to get rid of him; and that if he will behave himself he will get away very soon, but you cannot make a boy of 14 think so so easily. I have asked several officers since this investigation was going on whether their experience was the same, and they all said it was.

Q. You had some very vicious boys while you were there. Was there any attempt to fire the buildings?

A. Never, while I was there.

Q. Do you know anything about an attempt to fire the buildings?

A. There never was an attempt while I was there, that I know of; there never was a case reported. It is very likely to occur, because there is about two per cent. of the boys there, if I recollect right, that are sent for firing buildings, and if they are not kept in good mood they are likely to make some such attempts.

Q. While you were there, did they have dormitories?

A. Yes, sir.

Q. The same number they have now?

A. I suppose so.

Q. Well, how many could you place in the lodge? How many cells did you have while you were there?

A. I think there were 14 or 15.

Q. Did you sometimes have them all full?

A. No, sir; I do not remember of their ever being full.

Q. Could you give an idea of about the average number of boys that would be confined in the lodge?

A. I do not have the least idea, because sometimes for three months there were none in the lodge. Once I reported to the trustees, at the end of the year, that no boy had been kept there overnight. I almost always took care of the boys in the lodge, and made it trouble me as much as it did the boys.

Q. You did sometimes keep boys there some days in succession, did you not?

A. Yes, sir.

Q. Did you have a solitary there?

A. There was one room that we could make a solitary, if we pleased.

Q. How long did you keep boys in the lodge in very aggravated cases?

A. I do not know, but I think never a week. I remember a boy being brought back, 16 years old, who tried to poison the family he was in by putting arsenic in the soup, and I placed him in there after he returned, to know exactly what the trustees wanted to do with him. I kept him there some weeks.

Q. (By Mr. LOWE.) Night and day?

A. O yes, it is as comfortable a place as it is anywhere.

Q. (By Mr. PRESCOTT.) How were they fed?

A. They were fed the same as the others, and had all the bread they wanted to eat.

Q. Were they fed three times a day?

A. I think so; I do not remember anything particular about it. They always had enough. I took care of them myself, sir, almost always. I wished a boy to understand that when he was punished he punished me just about as much. I have spent the night with them, and when a boy was afraid to stay I have stayed with him.

Q. (By Mr. TOMPKINS.) Did you not just testify that you did not keep them there overnight?

A. O, no sir; I did. I testified that during one year I did not keep a boy there overnight.

(By Mr. PRESCOTT.) You think, then, Mr. Allen, I take it, that these boys can be managed much better by kindness than they can by resorting to so much punishment?

A. I certainly do. You can make them mind by fear, but you cannot reform them in that way. They do not stay put. I think there should be every effort made to make their play-ground attractive. I would make

all the provision for play that I would for work, for when a boy is at play he is not at mischief, working up his animal propensities. I want an officer that can play with them as well as work with them, exactly.

Q. (By Mr. TOMPKINS.) Have you been to the Westborough Reform School lately?

A. No, sir.

Q. How late was your last visit?

A. I called, a year ago last summer, upon the superintendent.

Q. Well, how did those boys look in comparison with the boys you had under your charge when you were superintendent?

A. I think they are larger, but I think they are the same class of boys; I am familiar with the school ship, very familiar; as I say, I spent a week there once.

Q. Do you not think they are a more vicious set of boys than you had?

A. No, sir; I think they are the same class.

Q. Not after the school ship was emptied into it?

A. It was not the worst boys that was sent to the school ship, sir; it was the older. There was no distinction made as to character, the distinction was age.

Q. Was it not generally understood that the worst boys went to the school ship, and those who were not quite so vicious went to Westborough?

A. Perhaps so.

Q. Then you saw no difference after the school ship had been emptied into the Reform School?

A. I think it would be more difficult to manage the present school than before.

Q. That is what I want to arrive at. You think, then, from your personal observation and experience, that the boys are worse than they were under your charge?

A. I should judge so, from what I hear. I think, if you had three or four boys of 18, that you wished to bring under your influence, you would sooner do it than take the same number of boys at 15. You would say, I may persuade the boys of 18 or 19, would you not? Don't you think they would do about the right thing?

Mr. TOMPKINS. We had a boy come before us who weighed 185 pounds.

Mr. DAVIS. One hundred and eighty pounds.

Q. (By Mr. TOMPKINS.) Did you have as large boys as that under your charge?

A. I said I sent 26 boys to the army. They were large enough to enlist, and were all over 18.

Q. Did you have boys that weighed from 160 to 180 pounds?

A. I think so.

Q. (By Mr. LOWE.) Why do you think boys are more difficult to manage now than when you were there? You say it is not the largest that behave the worst, and the school-ship boys were only the larger boys. Is human nature degenerating?

A. I should say they had some larger boys now, comparatively, than

we had then. It is very difficult to discipline where you are obliged to discipline boys of 20 and boys of 12. The same sort of discipline does not fit. Do you get my point? You might discipline a little boy one way, and a large boy might want to be disciplined in another, and it would be difficult to do both.

Q. Do you really believe that the boys are worse to manage, if judiciously managed, than at the time you were there?

A. I would not sit in judgment upon those as competent as myself to manage them.

Q. Have you any reason to suppose they are a more reasonable class of boys to manage?

A. No, sir; no further than this, that since the war the character of criminals seems to be more desperate.

Q. One other question. After visiting the Lancaster Reform School for girls, I saw no evidence of any punishment, or any trial of any punishment, or any indication of any punishment being used with those girls; do you, as an expert, and one of much experience in teaching, see any reason why, if those girls can be managed, a class of girls corresponding to the boys at the Reform School, is there any essential difference, necessarily, do you imagine?

A. No, sir.

Q. That was my idea.

A. If I may be allowed to say a word,—if you punished ever so much, and carried around your strap in your hands, you would be notified to quit. If I were going to punish ever so much, I would keep my implements out of sight.

Q. My point was, that there must be necessarily some distinction between the modes of punishment—at the two schools, it was so different as I saw it.

A. A boy might make an attack upon you personally, possibly, but I have never seen that.

Mr. WASHBURN. Your question implies such a state of things, that perhaps Mr. Allen ought not to be asked it in this investigation. You assume that because we saw no means of punishment, there were none. But you probably saw in the paper the other day that it was proposed to have this Committee investigate the Lancaster school.

Mr. LOWE. I saw it, and I assumed as much.

Mr. WASHBURN. It would not be proper for you to assume that there was not, and it would not be proper for Mr. Allen to have supposed that there was.

WITNESS. I do not claim it, sir.

Q. (By Mr. WASHBURN.) There is one other question,—because this is very refreshing to get hold of a witness who has not seen Fitz-Gibbons and Watson. Now, you are a clergyman?

A. No, sir; I have no religion to talk of.

Q. Oh, I thought you were in the class of 1840, at Cambridge?

A. No, sir; that was another gentleman of my name.

Q. I was going to ask you, in reference to this matter, whether you would not allow in an institution of that kind any of those distinctions

which arise from anything except good conduct and advancement in school?

A. No, sir; perhaps you would not agree with me. When I went there the boys had an idea that I was above them, but I liked to stand on a level and work with them; and when the boys had a new suit, I had one of the same kind, to be on a level with them.

Q. And so far, of course, you knew of their sentiments, you understood their controversies, passions and opinions. In reference to reports or systems of marking, for instance, you know the different processes in the universities. Now, do you think that in a school of that kind the system of rewards ought to correspond to a system of marks, and should be made manifest to the others, either by announced rank, or something of that kind? You think an elaborate system of rewards is perhaps the best?

A. Certainly, I agree that that could be introduced. Sometimes your worst boys are your best boys. You will find a boy who will go without disobeying the regulations for a month, and you have not a particle of confidence in him. Another may break them every day and yet be a first-rate fellow, but you cannot badge these boys.

Q. It seems to me, Mr. Allen,—I am bound in frankness to say that I agree with you with reference to the efficiency of badges for what may be called some professions,—while it may be a proper system of reward for well-doing, that it must be one of the keys of success in that respect, and this institution can be well distinguished from any other.

A. My idea was, that a boy might be punished, and that you would badge him for that.

Q. (By Mr. DAVIS.) How many boys do you think, Mr. Allen, you received while you were there, direct from the school ship?

A. We received them occasionally; perhaps 20 or 30; I could not tell.

Q. But it was not a common thing for you to receive a boy from the school ship, and give one in exchange, or was that the custom?

A. We did that repeatedly. Sometimes they would come there without exchange.

Q. Was there any law whereby that could be done?

A. Yes, sir; the trustees had the power to exchange.

Q. In all your experience with these boys that came from the school ship, were they a worse class of boys than you received from any other source?

A. They were older; that is the only distinction I made. I remember bringing two boys from the school ship, and when I got back the assistant superintendent, who had been there previously, said, "Mr. Allen, do you know who you have brought back?" I replied I did not. "Well," said he, "you have brought back two of the worst boys that have ever been in the institution; we sent them away from here."

Q. What was your experience with them?

A. I did not have any trouble with them.

Q. How long did they stay with you?

A. I think I have seen one of them since he went out, and one of them is known as "Bull-Dog Conway."

Q. What was the age of the boys who left your institution?

A. I think 21.

Q. You have kept them there until they were 21?

A. I think so; yes, sir.

Q. Was Mr. Bigelow at the institution when you were there?

A. Yes, sir; he was a subordinate officer.

Q. What salary did he receive?

A. I think \$400. He was in the shoe-shop; that was his business then. He had charge of the shoe-shop.

Q. In your judgment, if a boy was a subject for the Reform School when he was 14 years old, and was sent there, was the result of his being sent there a recognition of his being there, more than it would be to have allowed him to have kept away subjected to temptation?

A. We talk about reforming boys. A boy at 14 has not much judgment; if you can keep him out of mischief a little while, that is the best you can do for him. Whether he is reformed or not, he is benefited, if we can keep him out of mischief.

Q. As to the matter of corporal punishment, and the distinctions made, would you call the strait-jacket and the gag a corporal punishment?

A. That might be called a corporal punishment; but I never used them, or saw them used.

Q. You never saw them used while you were there?

A. I never saw them used anywhere.

Mr. DAVIS. I will not take up the time, but there are a great many questions I would like to ask.

Mr. ALLEN. I desire to ask a few questions.

Q. (By Mr. ALLEN.) In the report of the trustees of the State Reform School in Maine, they say that discipline is performed by their superintendent, and no subordinate has any discretion in the matter other than to report the case. If there is to be corporal punishment at the school at Westborough, what do you say to this rule?

A. It would keep the superintendent pretty busy.

Q. Would your opinion be that it is advisable to leave it in the hands of the superintendent alone?

A. I hardly know how to answer that question. Some subordinate officers might get into trouble. I should dislike extremely to do the whipping.

Q. Would you not like to have the authority of it under your charge?

A. I should not want to do it under any circumstances. This superintendent of the Reform School at Westbrook, Me., was one of my officers.

Q. They also say that the punishment in that reform school is not more severe than that which is customary in the village schools of the State. I wish to ask you your opinion whether, if there is to be corporal punishment, you think it is necessary that it should be excessively severe in order to be effective?

A. No, sir; I do not. In a district school, if a teacher whips a boy, it

goes all over the district and is discussed, while in an institution you can whip a boy and nobody knows it; there is the danger.

Q. I now wish to ask you, in regard to the method of punishment, whether you think it is a proper method of punishment to put a boy in an upright box precisely 10 feet in depth, 14 inches in width at the bottom, and 17 inches at the top, with a door closed upon him tightly; and if he is small, to have a board put behind him or beside him, and with three slots, an inch wide, in front of his face as an opportunity for breathing, the top being half-covered by a board, and to leave him there 12 hours a day for 4, 5 or 6 days?

Mr. HYDE. I would get it exact, and say that the boy was taken out at noon and at night.

Q. (By Mr. ALLEN.) The boy being taken out at night, and also three to five minutes at noon, in order to allow him to go to the water-closet?

A. I could not use that myself.

Q. What is your opinion of the effect of that punishment upon the average boy, from 14 to 20?

A. I should not think it would be good; I should think he would want to injure me if he got a chance.

Q. What effect would it have upon his character after he was released?

A. I could not tell.

Q. What do you think of administering corporal punishment upon a young man, from 14 to 20 years of age, by removing his trousers from his waist downward and inflicting blows upon him, upon the bare skin, with a strap such as this? [The light strap.]

A. I think it would have some influence to make him keep out of trouble.

Mr. HYDE. Does not Mr. Allen's answer, that he does not approve of corporal punishment, answer all such questions?

Mr. ALLEN. I want to see what his knowledge is of the particular effect of these particular punishments upon these persons, and not his general statement.

Mr. HYDE. But when he says he thinks all corporal punishments have an injurious effect, of course we can have but one opinion of any particular punishment.

WITNESS. I should not dare to turn my back on them.

Q. I will ask you in regard to any other punishment, what your opinion is of the effect upon a young man from 18 to 20 years of age, to have his trousers and shirt removed, and to be struck upon the naked back with a strap like that?

The CHAIRMAN. I do not particularly object, only it takes time, and he says he is opposed to all corporal punishment; why do you need to particularize?

Mr. ALLEN. He does not include all forms of corporal punishment. I desire to see what reasons he can give why this would be particularly injurious to the character of a young man, the exposure, the shame, and the severity combined. I do not care to press it, because I think it must be apparent to the Committee; but as the witness is a teacher of so

many years' experience, I would like to have his judgment on that one point.

Q. (By Mr. ALLEN.) What effect would it have, in your judgment, upon the moral character of a young man from 18 to 20 years of age, to be stripped and completely exposed from his neck to his stockings and corporal punishment applied with one of these straps to his person with great severity?

A. I think it would be bad. I do not see how any good could come of it, except he might be kept from committing some offence; but he would want to.

Q. If corporal punishment is to be resorted to, whether that would be as good a method as any other?

A. I think so.

Q. You spoke of the trustees, who said they were in favor of corporal punishment?

A. I did not say exactly that. I said there was never a time when a majority of the board could be induced to abolish it. I would like to say, Mr. Chairman, that I do not wish to have it exactly understood that I would be opposed to corporal punishment under all circumstances. The reason I would be opposed to it in this institution, is, because of the great danger of abuse; there is more danger from abuse than good can come from it.

Q. (By Mr. HYDE.) As I understand you, speaking upon general principles, you think in all schools, as far as possible, corporal punishment should be abolished?

A. As far as possible.

Q. Well, in seeking teachers, your idea would be to introduce a high grade of teachers, and, as far as possible, to omit corporal punishment?

A. Oh, certainly, sir.

Q. And the better the schools are, the more nearly do they approach to it?

A. Yes, sir; there are some good schools where there is punishment. You had better punish some than not enough.

Q. Now, taking men as they are, such as you can obtain, and doing the best you can, do you think it is really a practicable thing, and a possible thing, to take an institution like that and conduct it satisfactorily after abolishing all punishment?

A. Do you mean corporal punishment?

Q. No, I mean punishments in general.

A. No, sir; I think you want some punishment.

Q. You think it is not possible to go on without some punishment?

A. No, sir.

Q. In your judgment, must the officers have modes of punishment there?

A. Yes, sir; they must.

Q. You do not believe it is possible to carry on that school without some method of punishment? You found punishment necessary when you was there? Now, come again to the question of punishment in the state prison. The general form of punishment prevailing in our prisons,

I believe, is solitary confinement. Of course, the lodge is a mild form of prison confinement in that way. Now, take it as a whole, do you think the solitary of state prison, in cases where punishment must be inflicted; do you think, as a whole, that is a beneficial form of punishment in cases where punishment must be resorted to?

A. I have not any experience in that direction. I think Mr. Haynes could answer that better.

Q. Well, is not this the fact, that where a man or a boy has committed an act, where we should all say some punishment should be resorted to, that putting him in solitary rather tends to make a man morose, and to brood over the matter of his punishment?

A. Well, sir, I have put boys in the lodge sometimes, and kept them up to a certain time. If you can get the right time to take them out, all right, but if you let them run over that time they grow worse.

Q. Well, my observation has taught me that solitary confinement has the effect to make men sullen, I think, and that is the worst frame of mind for a man to get into.

A. I should think so, but, at the same time, you must understand that the boy is something of an example.

Q. Now, take the use of the solitary; is it not very often the case that men who go into solitary in the state prison, go from there to the hospital?

A. I do not know.

Q. I have so understood, that from the solitary they go to the hospital. Of course, in a Reform School like this, it is desirable not to break the spirit or the will of the boys, and to have no corporal punishment that should do that?

A. Yes, sir.

Q. Now, when you come to the forms of punishment in cases where it is needed, in a school like that, what, in your judgment, are the proper forms of punishment to be adopted?

A. I think punishment should be avoided as much as possible.

Q. Well, in those cases where it would be found necessary to punish a boy and to take into consideration the effect of that punishment upon other boys?

A. I think you would have to put him in the lodge, and then I think proper influences should be brought to bear on him to make him see that it was best he should acknowledge his guilt.

Q. My question is more limited than that. I want to know about what forms of punishment should be used in these cases where punishment is necessary?

A. I would put him in the lodge, and I would perhaps reduce his share of those things which are especially agreeable to him, and treat him in some such way as that. I would take away his privileges.

Q. Would you put him from the trust house back into the main building?

A. Yes, sir.

Q. Would you reduce his grade?

A. Yes, sir.

Q. Now, anything else?

A. I do not see what else you want, though if he should possibly attack me, though I never had anything of the kind, I should defend myself.

Q. That would be a case of self-defence; that would not be punishment. Of course, every man reserves that right; but I am speaking of punishment in admitted cases. Your idea is the lodge, and the deprivation of privileges?

A. That is all that occurs to me now, sir.

Q. Now, when you were there, what other forms of punishment were resorted to, besides these?

A. Do you mean corporal punishment?

Q. No; of any kind under the term of general punishment.

A. Well, sometimes, if a boy would break anything, I would let him earn it up.

Q. Deprive him of play?

A. Make him work a little extra. Suppose he broke a glass worth 10 cents, I would let him work a little extra in his play hours. They are almost always willing to do that.

Q. Well, now, anything else that you think of?

A. I suppose in school we should do as teachers do generally—have a limit for such things; but speaking of corporal punishment, I should have none allowed except with the rattan.

Q. Now, who would you let punish with the rattan?

A. I would let the male teachers; but the females never.

Q. Now, when you were there, did the teachers punish in their own classes? Did they punish when punishment was required?

A. Yes, sir; the two male teachers.

Q. Did you have any female teachers?

A. Yes, sir; part of the time I had two, but usually three.

Q. Whatever opportunity you had they had?

A. Yes, sir.

Q. Now, suppose there was a case of punishment under a female teacher, who administered it? what did she do?

A. Report to me, and not to any other teacher.

Q. And whatever punishment was inflicted, you inflicted?

A. Yes, sir.

Q. Now, you had workshops and what were called overseers. Now, if any misconduct happened, did the overseers punish at all?

A. Yes, sir.

Q. With the rattan?

A. Yes, sir; they had the same privilege as others.

Q. Then, in other words, the male teachers and the male overseers punished with the rattan?

A. In the institution, but not outside.

Q. Then the overseers of the institution and the male teachers used the rattan?

A. Yes, sir.

Q. Now, take these cases in which the rattan was used; were they reported to you?

A. Yes, sir; the same day.

Q. Upon a blank?

A. No, sir.

Q. Were there any records kept?

A. I kept the records.

Q. What I mean is, whether there were any records which would be called official records?

A. I reported to the trustees.

Q. That was a private report; there was no record of such a boy being whipped such a day, for such an offence, so many blows, or anything of that kind?

A. No, sir. Yes, sir; there was a book, and it was open to everybody.

Q. Who kept the book?

A. The teachers brought it in.

Q. Was that a private memorandum of their own, or did it belong to the institution?

A. Yes, sir; I think it was furnished them by the institution.

Q. Was it a book made in any set form?

A. No, sir.

Q. It was an ordinary blank memorandum?

A. Yes, sir.

Q. Did they record anything else besides punishments upon it?

A. No, sir.

Q. And these books were handed to you daily?

A. If they had any trouble. I wanted to see what the punishments were for.

Q. What was done with the book?

A. Well, I would keep a record of my own.

Q. Well, in what form did you keep a record?

A. Well enough to tell how many punishments they had.

Q. I mean, what sort of a record?

A. That was the record—that book.

Q. What sort of a book was it?

A. A common blank book.

Q. An ordinary blank or writing book?

A. Yes, sir.

Q. Now, you made the entry?

A. No, sir; I made the entry of what they brought in, and at the end of the month I took them off.

Q. We are a little misunderstood. I understand that every day you required them to hand in their books in case they punished?

A. Yes, sir.

Q. Then you wrote it down upon the book?

A. No, sir.

Q. At the end of the month you wrote it down?

A. No, sir; I kept a record of it, and at the end of the month I reported to the trustees.

Q. What kind of a record was it?

A. I kept no special record.

Q. Well, a record is supposed to be something written down.

A. Well, I mean to say, I could tell at the end of three months' time how many boys each of these officers had punished, and I could report it.

Q. Precisely; that might be for a variety of reasons. What I want to get is the form of keeping the record.

A. Well, it was informal.

Q. Well, suppose one teacher reported only one whipped with the rattan. Now, you would remember that, perhaps, at the end of the month. Now, did you make any formal record upon any book which was preserved?

A. Well, the book itself was preserved.

Q. That is, the book of the teacher?

A. Yes, sir; it was my property.

Q. Well, were these collated into a book?

A. No, sir.

Q. That is all the record was in the pass-books of the individuals punishing the boys?

A. Yes, sir; and when it was full I had them.

Q. It belonged to the institution?

A. It was not required by the trustees; it was my private property.

Q. But what I mean is, that it would not be called a record in the sense of books kept for the benefit of the trustees to which they referred?

A. No, sir.

Q. Now, in the next place, we have the matter of the forms of punishment. Now, I have been told,—I do not know whether there is any truth in it,—that at times there was a form of punishment by applying soap to the boys' mouths. Did you ever know of it being done while you were there?

A. I remember a boy who was very obscene in his language once, and I told him that such a place as his obscenity came from ought to be cleaned out. I washed his mouth out because it was so filthy. I do not know as it ever happened except at that time.

Q. Did you use soap at that time?

A. I do not know.

Q. Soap and a brush?

A. No, sir.

Q. How did you accomplish it?

A. I do not remember. It was such a matter of obscenity, that I thought the mouth was too filthy to let it alone.

Q. Precisely; but what was the process?

A. Well, I do not know exactly; I know it gave him an impression of what I thought of obscenity.

Q. Do you know of boys being put under the pump?

A. Not by my direction. I have seen boys like this: two boys may have been fighting, and I would pump water upon them as I would upon two dogs. I do not know of anything harder than that. I would not do

it as a punishment. It was never allowed by the trustees or by myself, but it was used in such cases as that.

Q. Now, was water applied except to keep boys from fighting?

A. I think it has been done, and I have reprimanded some officers for doing it. I was speaking to a trustee once, and he reprimanded an officer for doing it. You will understand, when you have 40 officers, some of them will do something you will not approve, and you will have to go and speak to them.

Q. That is one of the difficulties of running an institution?

A. Yes, sir, certainly. You are constantly finding things you do not approve, and sometimes you have to correct them.

Q. To come back to another phase. As I understand, when you were there, there was a change in the board, and you came in with a new board; and one of the special purposes you sought to accomplish in your administration, was the abolishment of punishment, as far as possible.

A. Yes, sir; I was requested to take the institution by such men as Dr. Howe and George B. Emerson.

Q. Well, that was one of the objects you sought to accomplish?

A. Yes, sir.

Q. Now, as I understand, nobody was allowed to be sent there over 14?

A. The law was changed that year, I think. Previous to this time, they came as they do now, and when I got there there were more large boys than there are now, twice over. What I mean is, it was changed so that they were not sent there after they were 14. Then the boys above 14 went to the school ship. I think a boy of 13, if he desired to go to the school ship, was allowed to go.

Q. You did not have to take them over 14?

A. No, sir; as a rule, the school ship took them when over that age?

Q. Now, as a general rule, in your experience with these boys who had been with you three or four years, were you able to do them good in that time, if you could at all?

A. Yes; but you understand, if a boy was a bad boy at 16 or 17, you could get rid of him. If a farmer came for a boy, you could get rid of him.

Q. The trustees have suggested that they would like to have the law changed so that boys may not be sent there above 14; and so that, instead of being sent there for their minority, they may be committed until they are 18 or 19, somewhere there. Now, what is the best average age to discharge a boy? How many years is it wise to retain boys at this school?

A. I do not know, really, as I could answer that. You see boys coming there at 14, in the course of two years the better portion of them go out and leave a few that are bad.

Q. The worst of them accumulate?

A. They accumulate, and when they go out into the community they would be dangerous.

Q. Well, here is the point. Take these boys that do accumulate, as you say there is a class, after they have been there two or three years,

and you have weeded out the best of them and put them out on farms and places; take those that do remain, do they grow better, as a rule, in the last years?

A. Well, a boy will sometimes be very bad until he is 17 or 18 years old, or until he gets a little control of himself. I know a very excellent family where all of them would steal until they got to be 16, and then turn around and make very respectable people afterwards, when, as Dr. Howe said, they had got an idea of the laws of political economy.

Q. Well, of course there are exceptions, but I want to get a general opinion, whether, from your experience, it is wiser to have boys committed for their minority in all cases, or to commit them for a shorter period of time.

A. Well, I think it would be well, if they did not manifest some disposition to improve when they were 18, to have them go to the work-house.

Q. But they do go at 21?

A. Yes, sir.

Q. Now, whether the community is better protected by releasing them at 21,—I am speaking of that special class of boys,—whether the community would be better off if they should never come out?

A. Well, about the time they get to be along about 19 or 20 years old, my experience is, excepting in a very few cases, that their common-sense gets the uppermost of them.

Q. Yes, but you were not able to place these boys out?

A. Pretty much.

Q. I understand you to say there was a certain class the farmers would not want, and a certain class they would not have. I am speaking of that class of boys.

A. Well, that same class, I said, if they could be kept two years more, and could be kept out of mischief, with good influences surrounding them, their good sense would get the uppermost of them, and they would do very well.

Q. Well, now, speaking generally, here is a lot of boys at the time they reach 18, if they have been in the institution four years, and the institution is well managed, assuming it to be a Reform School, seeking to help the boys. Now, if the boys have been there three or four years, and have reached the age of 18, as a whole, the best will have their hopes aroused with the idea of being let out,—whether it is better to insist upon keeping the boys until they are 21, and then turning them out at liberty, or to keep them until they are 18, and then let them go, as at one age or another they practically do go?

A. I will say this: I once wrote a note to each master of the work-houses, "How many of your 30 boys could you make respectable if you kept them there with the same influences around that you have had?" They answered me, each one, without consulting the other, "Every one of them." Every one could be improved, without any exception. The trouble is, that when they go out every man's hand is against them. Not every man's hand, perhaps, but very few persons help them. These are the Commonwealth's boys, and we are the Commonwealth to step in and

do the work of the parent for them. They have not committed any crime. They are unfortunate in their homes. The law, I think, does not consider them criminals, and they are not regarded at that age as being in the criminal class.

Q. Now, the boy is unfortunate in his home. You cannot forever deprive him of his liberty,—not in our country,—and there is a period when he is entitled to it as a matter of right.

A. I should say nobody was entitled to it, if he has abused it.

Q. Well, he has not. He is entitled to have it. Now, what I speak of is this: taking that class, the question is, whether, as a whole, with our present Reform School, it is best to commit them for the whole term of their minority, which would be an average sentence of seven years, or to commit them say for the term of three or four years. That is what the question comes back to.

A. Well, at present, they are let out on probation.

Q. Yes, but the best boys are let out, but there comes back that element which does not get out.

A. You can finally let them go and try; if they think we are friendly behind them, they will do well, even when you would think they would not.

Q. Now, take it as a matter of fact; you were relieved from the older boys, from time to time?

A. Yes, sir.

Q. Now, take it as a matter of fact, if a boy is wayward, and disposed to be a bad boy at 16 or 17, he goes to the institution to be a worse boy than when he goes there at 14. If a boy is at large and unrestrained, and is committed at the age of 17 and upwards, he is worse than those committed at 14.

A. I did not find them worse; not at all.

Q. You would expect a different class of boys, if they were in the school from 14 to 17, than if they were committed at 17. You say you had them there at 14. At the time they were 17, with the influences you had thrown around them, they would cause you less trouble than boys put in at 17?

A. I used to let the boy stay there until he had a chance. If he did not improve in two years, I wanted him to try a change.

Q. What would you do?

A. Well, if the school ship was in existence, I should learn if the boy would like to be a sailor.

Q. Precisely. Now, I notice in the return, when you were there, that, in 1861, you transferred to the school ship 36 boys, and the next year you transferred 41, and the next year 15?

A. Well, we got back an equal number.

Q. Yes; but I suppose the class of boys that went away would be called the more difficult to manage?

A. No, sir; not necessarily. There is a point where I think you make a mistake. We would say to a boy, "Do you want to be a sailor?" and if he said "Yes," then he would go, but if he did not wish to go away, he did not.

Q. Well, you had had the older class of boys sent there before you were there?

A. Yes, sir.

Q. Well, it is not to be supposed that all boys wanted to be sailors in 1861 and none in 1867, and yet in that year you had only one?

A. The school ship gradually went out of favor, you understand, and finally went out altogether. But, you understand that when we sent 10 boys to the school ship, we took 10 back.

Q. Yes, but you just said in your own statement, as I understood, you that after you had kept him two years at the institution, and found you did not do him any good, you sent him to the school ship?

A. No, sir; I said I tried to have him make a change.

Q. Well, what else did you do?

A. Well, I would send him out on a farm, or anywhere else.

Q. No; but you said, as I understood you, that after you had had a boy two or three years, if you failed to do him any good, you thought a change might be better, and you sent him to the school-ship?

A. I did not say that. I said that after he had been there two years, he had better have an opportunity to try somewhere else. I sent him to the school ship, or to some farmer.

Q. Well, now, this school is obliged to take these boys as old as 17, and there is no school ship?

A. Yes, sir; that is a fact.

Q. They are older when they are sent there?

A. Yes, sir.

Q. Of course the same class of boys are worse when they come to the school than those that come at 14?

A. Yes, sir.

Q. It is more difficult to reach them, and harder to manage them. A boy who is wayward, and grows older, is more difficult to manage. Then there is no relief in the school, there is no alternative sentence, there is no other place to send them, except to the farm. Does not that really make the school much more difficult to manage than when you had charge?

A. I think so, and I have always thought so.

Q. Now, in your judgment, from what you see, do you think it is wise to seek to make that institution part penal and part reformatory?

A. No, sir, I do not.

Q. That is, in your judgment, it should be a reformatory institution or a penal institution?

A. Yes, sir.

Q. Do you believe it is wise, this being a reformatory institution, to aggregate there, under special discipline, what would be called a criminal class?

A. I should think not; because before the fire they had precisely what you are doing now. We built up a part to take in the harder class, and it was all burned down.

Q. It did not work well at that time?

A. No, sir; and I understand that the State has gone right to work to make the experiment right over again.

Q. Well, that is one of the questions we are to consider. We have started to do that. Now, one of the questions is, whether it is going to be wise for the trustees, even now, to make a portion of the institution penal and the other part reformatory?

A. If you have the two in the same building, they will react upon each other. The one would be a missionary work, if I may term it so, and the other would not.

Q. Do you think it is possible to run the institution in that way?

A. It never seemed to me wise.

Q. Now, you spoke of when you went there, this plan had somewhat prevailed there. The trustees ask to have it changed now, and have it put back similar to what it was when you went there. Now, is there anything you would suggest, from your experience, to relieve the school. I suppose a classification might find they have got a certain set of incorrigibles there which I suppose is liable to accumulate?

A. It always seemed to me there should be an intermediate institution between the Reform School and the house of correction or state prison. I think the institution should be relieved of a certain class of boys there, in some form or other. I do not know how.

Q. There is always, then, a percentage of the boys you do not know what to do with, and there is no place provided for them. Now, take the influence of that class; is it in general injurious upon the other boys who are really susceptible of reform?

A. I should say it was, according to the testimony which has been given.

Q. Well, you can see when boys are committed there for housebreaking, and for a serious class of what would be called criminal offences, it must accumulate a class of boys there difficult to manage, and their influence upon the school is bad?

A. Yes, sir.

Q. (By Mr. ALLEN.) What do you think of the idea of alternative sentences?

A. I sent to get the names of the committee of the judiciary of the House to whom that subject was presented. They found there was some legal obstacle in the way of a sentence of that nature. I find the gentlemen who composed the committee were Mr. Codman, Mr. Rice, Mr. Pierce, Mr. Heywood, Mr. Knox, Mr. Morse and Mr. Palmer. At that time, the trustees asked that there might be an alternative sentence; so that if a boy came here, the court might sentence him to the Reform School, with an alternative sentence to the house of correction. But it was found that the boys would commit some offence in order to be sent to the house of correction for two years, rather than remain in the Reform School during their minority; and the law was changed on that account.

Q. What is your idea of who should have the authority to remove a boy because he is not a proper person to remain in the institution?

A. If the board of state charities were made up of the chairmen of the boards of the various institutions, they might know a little better

what to do than anybody else; but I suppose the difficulty would be that we have no provision for them.

Q. Well, now, as I understand you, while you were there, you received no boys above 14 years old, and that worked well?

A. Yes, sir; we had nothing but fourteeners.

Q. Now, should you think that it would be well to return to that standard?

A. I should.

Q. Now, another thing, which the Chairman has partially asked you about. What do you consider the best kind of work for these boys. You have testified in regard to the best employment for the summer season; but take those seasons of the year which cannot be devoted to farming, what, in your judgment, is the class of employment or occupation that these boys should have, for the good of the boys?

A. Well, it is difficult to get work of any kind now.

Mr. ALLEN. Assuming you had charge of the work.

Mr. HYDE. I am assuming now, of course, that chair-making in a certain sense keeps the mind occupied, but it cannot stimulate a boy to improve. It is not an occupation, but simply employment.

WITNESS. It is a very nice thing.

Mr. HYDE. I know it is; but when a boy has learned to seat a chair, he has not any trade which will enable him to leave the institution and gain an honest living.

WITNESS. You must understand that the labor of boys of 14 or 15 is not generally of much value.

Mr. HYDE. Yes; but if they are to remain there until they are 21, a certain number of boys will be turned upon the world without any trade. Now, is it not desirable, if possible, that there should be some employment for the winter months, for the older ones, beside seating chairs.

WITNESS. I think you will find it difficult to get prettier work for the younger boys, but the older ones might do something else.

Q. (By Mr. ALLEN.) In the use of the rattan in the school, while under your charge, was it ever applied to the naked person?

A. Oh, no.

Adjourned.

TWELFTH HEARING.

SATURDAY, April 14, 1877.

Senator DENNY in the chair.

JOHN AYRES—*Sworn.*

Mr. HYDE. Now, Mr. Ayres, what we want, is for you to tell us, in a very brief way, of your connection with the school, what you observed there, and what in your judgment is the best way to accomplish the purpose for which it was established. As you have a long experience, perhaps it will be as well for you to go on and make a statement, without waiting to be questioned.

Mr. AYRES. I will go on and state, as briefly as possible, my connection with the school, and if I omit anything you can ask me about it.

I went to the school under Governor Andrew, when Mr. Allen was superintendent, and I remained there three years and a half; and then another governor came in, and I was left off. At the end of the year, I was asked to go on again. Mr. Allen had been discharged in the meantime, or had resigned. Perhaps I could not say he was discharged, but it amounts to the same thing, when you tell a man his resignation will be accepted. Mr. Hutchinson came in, and was there during the year of my absence; and when I went back again, in the course of about a month, Mr. Hutchinson's resignation was accepted, and Mr. Evans went in. In the meantime, I was reappointed by Governor Claflin, having been appointed by Governor Bullock. Mr. Evans remained there about five years, and then, his health being poor, he resigned; the school having changed very much, and he having grown five years older in its service—it was equal to ten years' service anywhere else. Then we put in Col. Shepherd, and at the time he went in, I went out and introduced him; and I remained there, if I recollect rightly, about a year and a half, and then my time was up. During that time, I went there a great many times. I made it a point, as far as I could, to go there on Saturday and remain until Monday, because, by so doing, I could go around among the boys when they were not at work or in the school, though I of course went when they were in the schools and could talk with them and find out all about them; though I could get hold of them and get control of them better on that day than any other. Then, I was in the habit of visiting their families in Boston and all adjoining towns, seeing their parents and brothers and sisters, carrying messages to and fro, and by these means trying to get their confidence so they would rely on me; and they would tell me, I think, anything they wanted to tell any one. I followed that through during the time I remained there. I think I had gained the confidence of the boys pretty generally, and endeavored, through the means of that, to do them

what good I could. I was there at the time the state authorities, having given up one of the school ships, proposed to take the remaining boys of the other one and send them to Westborough. I was one of the board—I believe we were all of one opinion—who protested against it, and then, when we found it would be a fixed fact, we did all we could to get them to give us means of keeping these large boys, with their habits, separate from the smaller ones. In the meantime the laws were changed, and a law was passed that sent direct to the school those boys who had been sent to the school ship when I first went there. As an instance of the change in the size of the boys, when I first went there, which was about twelve or thirteen years ago, there was only one boy in the institution that was near my size. Last October, when I was there, I stood in the floor of the chapel on a level with the boys as they passed me, and I counted ninety-three or ninety-four who were of my height, which is not very great, but still it is the height of frequent manhood. At all events, I counted ninety-three or ninety-four that were as large as myself, and many of them very much larger. I did that because I had been absent three years, and I noticed such an immense change in the character of the school. At the time that I went there, I think fourteen years was the maximum age at which they were admitted to the school. At that time, almost all the boys were small, and seemed to be more within the reach of what General Lyman intended to have in his wish and desire. I think a great deal more could be done with them than with the larger boys. My thought, and that of the other members of the board, was that there was a great risk of putting large boys who are bad, in with the small ones who are not so bad. So, at least, we found it. Our experience was that these little boys always gather around the larger ones, and look up to them as sort of heroes, and we felt that mixing them together in that way would be almost certain to prevent improvement, if it did not teach them lessons of crime that they would put into practice after they got out. To that end, when the State decided to put the large boys there, we wanted, or at least I did, to have them so separated that they should never see each other. We would not have them come into the chapel at the same time, or have them see each other or know each other; so that if a large boy came out and a small one, the large one would not know if he passed the little one on the street that he was a little boy for him to use as a catch-paw and to lead him into trouble and to destruction. We feared that that thing would be done. We knew from experience there that many little boys were there because such and such boys led them into the wrong-doing for which they were brought there, and we thought it was very important that these little boys should not be known to the larger boys, so that the larger ones should not make a prey of them. As to the matter of punishments in the school, it is a matter of continual struggle on the part of the trustees and superintendent to keep them down to the lowest possible point, and prevent the officers from inflicting them.

Q. (By the CHAIRMAN.) What time are you now referring to?

A. I mean at the time Mr. Allen left. Previous to that time there was no corporal punishment allowed.

Q. (By Mr. SANBORN.) Do you remember what year that was?

A. I think it was 1867; the records will show.

Q. (By the CHAIRMAN.) Then, you are speaking of the time since 1867?

A. Yes, sir. In regard to corporal punishment, very generally the trustees were using their utmost exertions to keep corporal punishment to its lowest possible point. I suppose—I do not know whether any others were with me in the feeling—that no corporal punishment did much of any good, and they all felt that the less there was the better; they all felt that cruel punishments were not to be allowed for a moment. There was a constant struggle on our part to put it down, and stop it, and we had cases where persons were discharged for being guilty of it. I think one of the hardest whippings I remember to have seen marks of, was inflicted by a woman, upon a small boy. The offence was committed on Friday, and I was up there on Sunday and examined the boy, with Mr. Evans, and found the marks upon his person. Although they were evidently two days old, yet they were such that we thought the person who would inflict such a punishment as that ought not to remain there.

The CHAIRMAN. Let me interrupt you a moment. You were there, you say, while Mr. Allen was there, and since that time?

Mr. HYDE. While Mr. Allen, Mr. Evans, and Mr. Hutchinson were there.

Q. (By the CHAIRMAN.) You say while Mr. Allen was there corporal punishment was not allowed?

A. Nothing was said about it by the board of trustees. They did govern them without much corporal punishment.

Q. Please tell us why they were not allowed to then, and why they were allowed to afterward?

A. We took Mr. Evans for superintendent, and he felt that sometimes corporal punishment was necessary with boys who had been treated that way at home. He thought it was necessary to whip them a little more, in order to get along with them. But Mr. Evans was always in favor of keeping it to the lowest point, and never making it cruel. And, if you will allow me to put in a word in relation to the term cruel, I will say we had at the time boys under 14, and a very few over 14, and we felt that if we were going to have corporal punishment, what would not be cruel for a boy of 18 or 20, would be quite the reverse for a boy from 10 to 14.

Q. Let me ask you if you considered it was necessary to introduce corporal punishment after Mr. Allen left?

A. I did not consider it so, but I think all the members of the board but myself did. They thought usually they would not allow corporal punishment to come in at all, and they watched it so closely that it did not.

Q. Well, was the discipline just as good under Mr. Allen, without corporal punishment, as it was afterwards with it?

A. I think so, fully.

Q. Now, in regard to the boys you had there; I suppose the greater portion of them gradually left the institution before they became of age?

A. During the first three years—and that was all previous to the school-ship boys coming there—I do not think there were more than half a dozen boys that attained the age of 16 while they were in the institution. Once in a while a boy would be placed out, and by some disagreement or other would lose his place, or perhaps the man did not want him any longer; then he came back to us and we always took him in and took care of him. I think I remember Mr. Allen's exertion, if he were quite a large boy, to keep him separate from the other boys. I think I have recollection of an instance where they were allowed freedom in order to prevent it.

Q. Then, if I understand you, the boys were not committed there over 14, and at 16 they had found homes for almost the whole of them?

A. Almost the whole.

Q. So that the school was then a school of small boys?

A. Yes, sir. I said there was but one large boy, according to my recollection, who was about my height, and he was so much larger than the rest that he was noted in the yard for his size.

Q. Now, Mr. Ayres, the success of the school, upon boys of that age, was very good?

A. I think the boys who were there were from 7 to 14. I think one-half were made pretty good boys, and that a quarter were greatly improved by it, and the other quarter I do not think it had much effect upon. That was the way in which years of experience drew the lines in my mind.

Q. (By Mr. HYDE.) Now, with the class of boys you had there, being all younger before you had any difficulty, practically, with them, you employed them all out of doors in the summer season, in agriculture and horticulture,—with the proper officers in charge, I mean?

A. No, sir; I think not having them in large squads.

Q. I mean, you had that sort of boys, that you could keep them out on the farm during the summer season?

A. No, sir; the boys on the farm were the boys in the three outside houses, and, occasionally, at the time for strawberry-picking, we took out some of the more trustworthy from the institution. There were always in the institution a large number of boys who could be trusted to go outside, and we did not hesitate to put them on. I felt that one-half of the boys remaining in the house would have been perfectly safe if trusted on the farm, and would not have run away; and the little ones would be as likely to run away as the others.

Q. What I meant was, you had a class of boys you could trust out upon the farm, if you had the opportunity?

A. Fully one-half of the remainder could be trusted.

Q. Now, suppose you had the school as it is now, with so many large boys, would it be a good thing to put these large and older boys on the farm with the younger boys, and let them mingle during the day?

Q. As I said just now, I think the real salvation of the small boys consists in their being kept utterly out of sight of the large ones. I would not let them be in the same church together, so that their faces should be entirely estranged from them; and I would not let the large boys and

the little ones into the yard together. If it should be done, there would be something that would tend to destroy all the good effect the younger boys were receiving.

Q. (By Mr. SANBORN.) Did you ever hear of anybody who had the opinion you have just expressed?

A. No, sir; I never heard of any one who had. They would not be very apt to have had it, because I should be very likely to have heard of it.

Q. (By Mr. HYDE.) You were there after the school-ship boys came?

A. Yes, sir.

Q. What was the effect of bringing the school-ship boys into the institution? I am speaking now in reference to the purposes of the institution as a Reform School.

A. I think it justified our former opinion, that the reins of discipline had got to be drawn up tightly. Turbulence was more manifest, and it ultimately culminated in the outbreak of the boys, when a hundred of them clubbed together and broke out of the institution.

Q. When did that break occur?

A. That occurred in the spring of the year, about three or four months before Col. Shepherd went there.

Q. (By Mr. SANBORN.) In 1873?

A. I should say so.

Q. (By Mr. HYDE.) Well, it was under Mr. Evans, at any rate?

A. Yes, sir.

Q. There was an uprising of the boys, and they escaped?

A. The boys clubbed together and made an uproar in the yard; they arranged to make noise enough to draw the officers of the yard to another point, and then the others broke out and escaped.

Q. Out of those who escaped, how many were never recovered?

A. I think from five to ten.

Q. Now, after these large boys came there, was there always a spirit of insubordination, that was ready to break out without constant care?

A. I always felt that there was, and I was always anxious about it, and was continually looking at the papers to see if there was any notice of it. I was not in the least surprised when I found that the great outbreak had occurred.

Q. Was there any attempt to fire the buildings while you were a trustee?

A. There was. I was up there that day.

Q. What were the circumstances?

A. They were in a turbulent state, and an attempt was made, as I believe, by throwing from the yard into one of the lower dormitories, something which ignited. There was no damage of any consequence by fire, but I went out into the yard among the boys at that time, and there were a portion of them that were in a very unsatisfactory state.

Q. Now, the fire which burned up a portion of the buildings, was probably an incendiary?

A. Yes, sir; it was known who the boy was.

Q. But that was before you were there?

A. Yes, sir.

Mr. SANBORN. The boy was sentenced to prison for it.

Q. (By Mr. HYDE.) The whole question is now being considered by the public in regard to that school, as to what ought to be done, if anything. What would be your judgment of putting back the age of sending boys there, substantially as it was when Mr. Allen was there?

A. If my opinion is wanted, I should like to say I have thought it over a great deal, especially since that outbreak, when they had to reduce them by water. I have felt that the institution ought to be entirely changed; I have felt that there should be two institutions, and that the old buildings should be devoted to the Lyman Reform School, and the new buildings to the State Reform School; and that the sentences should be separate, so that those sent to one should not be obliged to mingle with those sent to the other. I felt from 1870 to 1875, that perhaps a hundred of the larger ones should be taken away, and that the boys of fifteen years—certainly it should not be beyond sixteen years—should be made to work at good, substantial labor, where they will be learning something at least ten hours in every day; and that the time for play should be considered as gone by for boys of that age. And the reason for that is not because of any ill-feeling toward the boys, for if I had plenty of money I would like to devote myself to them the balance of my days. I do think, for the good of the boys, they ought to be made to work at the handling of tools, so that they might learn to use and to handle them, and so that they would get tired and be glad to be quiet. Then, when they came out, they would be able to get places, which they cannot do now. If a boy wants to get labor now, not having learned anything there except to bottom chairs, when he goes out, at 18 or 20 years of age, a young man, to seek employment, he goes to a shop, and they say to him, "What can you do; can you handle tools of any kind, blacksmith or any other?" "No." He is utterly ignorant of anything of that kind. "Then we cannot hire you," and he passes on and goes to where common and ordinary labor is going on, and that is the only kind of work he can do. He sees no young men there. They are all middle-aged or old, aged men, and he has no association with them. He will not go in there unless he is obliged to, and frequently he will do something worse rather than do that. While, if he were able to handle tools, he would go to the carpenter and say, "Although I am not a carpenter, yet I can handle tools, and keep my tools in order; I have got possession of my hands, and I can be of real service to you." And he would get work with persons whom he would like, and with whom he would be willing to associate.

Q. Speaking of the school as a reformatory institution, taking that portion of the nature you suggest, you would make a Lyman School; in your judgment, is there any particular benefit in keeping those boys there, or keeping them after they are 18 years of age, where they are committed at an age not exceeding 14 or 15, so as to remain in the school four or five years?

A. The only good I can conceive that would ensue to the boy after he was 18, is, that if the boy had good tendencies, and got by accident into

this trouble, and was brought into disgrace, if he got up there and learned to handle tools, it would do him good.

Q. You don't quite catch the question. Suppose the law were put back substantially as it was when Mr. Allen was there; suppose the boy is committed, and remains till 18, instead of 21, whether there is any particular good in keeping him up there more than three or four years?

A. I didn't quite understand your question; I think very little good can come from boys if they were not reformed before that age.

Q. They should stay as long as the institution does them good?

A. I think so. Unless they went there for a home and shelter instead of work, I wouldn't have them come there.

Q. Have you been there since you resigned as trustee?

A. Only once; and I want to say why. I was on the kindest terms with all the persons there, and sickness in my family kept me away. I went there about two years and a half ago.

Q. You were there once since, and when you were there, I would ask you as to the general character and appearance of the school and the boys, and the general condition of the institution, with what the Commonwealth had given the trustees to act with?

A. I think, when I left there, three years ago, the school was in very excellent condition. Last October, when I went up there, I went all about the school; spent Sunday there and Saturday night, and was there Monday morning also. I went around among the boys, many of whom knew me, and many were there when I was there. I didn't go around to examine them, because I had no authority to do so. The superintendent was not there. I mingled with the boys all I could. I never saw the school in any better apparent condition than when I was there. So far as my memory serves me, I have no recollection of a single complaint being made to me in relation to the superintendent, and I don't remember any in relation to any of the others; but, of course, I made no talk with the boys.

Q. (By Mr. WASHBURN.) Was this in last October?

A. It was last October.

Q. In 1876?

A. Yes, sir.

Mr. SANBORN. I would like to say to the Committee, that these points that have been raised with reference to the time of commitment and the length of time that pupils remain in the school from year to year, will be found presented in the reports of the state board of charities; I have three of them before me, and they began in 1874, and ended in 1876, I think. You will find the average age of all boys committed, at the time of commitment, and the average age of boys discharged, at the time of discharge. The age of the lowest boy then in school was seven years, the longest period that any boy stayed in the school was eight years. They have been carefully computed, and it will prevent the necessity of any loose or general statement about it. I will give the pages at the proper time.

Mr. HYDE. As they are properly classified, suppose you read them off.

Mr. SANBORN. I find that in 1865, which is the first year, it is in the

report, or, I will say, further, it is the pamphlet just described to the Committee, made under the direction of the board of state charities, last year, and gives a concise history of the institution since its establishment, to 1876. It is placed in the hands of the Committee for use.

In the year 1865, the average age of boys received at Westborough was 11 years and $\frac{8}{100}$ ths, that is, about 12 years. The average age of those discharged was 14 years and $\frac{17}{100}$ ths. The oldest boy in the school appears to have been 18.

In 1866, the following year, the average age at commitment was 12 years and $\frac{1}{10}$ ths, a slight increase. The average age at discharge was 14 years and $\frac{2}{100}$ ths, nearly 15 years, and the oldest boy in the school was not 18—was between 17 and 18.

In 1873, which is the year Col. Shepherd came there, and which is the year after the school-ship boys were admitted, the average of those committed was 13 years and $\frac{8}{10}$ ths, or about 13 years and nine months. The average of the boys when discharged was 15 years and $\frac{42}{100}$ ths, about 15 and a half years, and the age of the oldest pupil was 20 years.

It appears from these figures, that between 1865 and 1873, the average of those committed increased about a year and three-quarters, and the average of those discharged increased but a year and a third. There is not that extreme difference that has sometimes been stated. You will find in the later years, following 1873, that the age of commitment has increased considerably above the figures I have just read.

MR. HYDE. The age of discharge will be found increased, too.

MR. SANBORN. Yes, sir.

MR. HYDE. Have those figures since 1873 been compiled?

MR. SANBORN. They easily could be, I think.

MR. HYDE. Are they in any of the reports?

MR. SANBORN. I think they are in 1874, and perhaps in 1875 and 1876. But they could easily be computed.

MR. J. A. ALLEN. Could I ask Mr. Ayers a question?

THE CHAIRMAN. If it is a single question, so that it will not delay the Committee.

Q. (By Mr. J. A. ALLEN.) I would like to correct his memory a little. I think Mr. Ayers will remember that we sent direct to the army 26 over 18 years; and they were large enough to pass measurements. And I took their bounties.

A. A good deal of that was before I went there. The war was raging at the time I went there.

Q. You also remember that we occasionally took large boys back from the school ship and exchanged boys with the school ship. Perhaps you remember one they called "Bull-Dog Connelly"?

THE CHAIRMAN. I would not go into that. The Committee wish to go on.

MR. ALLEN. I just wanted to show what large boys we had there.

Q. (By Mr. SANBORN.) Do you remember, Mr. Ayers, the year you were first appointed at Westborough?

A. This book will tell me. [Drawing out a memorandum-book.] It

was in 1863. It was not in April, but in July, 1863. Dr. Howe resigned, and I was appointed in his place.

Q. You were appointed in place of Dr. Howe, and retired in 1867.

A. Yes, sir.

Q. Whether you were reappointed,—I have it here; you were reappointed in 1868?

A. Yes, sir.

Q. You were out of office about a year?

A. Yes, sir.

Q. Will you state to the Committee whether you received any communication from any source, at the time of your reappointment, on the subject of corporal punishment?

A. Well, I was told that some things were being done there that ought not to be done, and I was asked—the question coming from the State House—if I would go back again. It was understood that there was more corporal punishments than there had been before, and some persons thought there should not be any, and I was asked to go back; and I think that was given as a reason why I should go back.

Q. I think this is an important question, but I don't know that there need be any delicacy about it. Did you not receive a communication from me on the subject?

A. I did, and it was that corporal punishment had crept in there, and some other things, at times, more than they thought ought to be; and I was assured of it by my friend on my left [Mr. Sanborn], and some others, who thought I had better go back, and I went back.

Q. Was it not stated to you by me that the governor of the Commonwealth requested to know whether you were for or against corporal punishment?

A. He did.

Mr. WASHBURN. Was this an official letter?

Mr. SANBORN. It was an interview.

Mr. WASHBURN. You were chairman of the state board of charities?

Mr. SANBORN. I will restate it to the Committee. Gov. Bullock—a vacancy falling among the trustees—sent to me and said he had offered the place to a gentleman who declined, and he wished to consult me about another gentleman; and I said, "I think the best appointment you can make is Mr. Ayers." Gov. Bullock said, "I would reappoint him with pleasure, if he will take the office, but I shall make one condition, and that is, he will oppose corporal punishment. If you will see Mr. Ayers, and see whether he is for or against corporal punishment." That is why I asked Mr. Ayers the question.

Mr. HYDE. You were then secretary of the board?

Mr. SANBORN. Yes, sir. [To witness.] That is it, substantially?

A. Yes, sir; but it being personal to myself, I didn't feel like stating it.

Q. And you informed me, at that time, that you were opposed to corporal punishment?

A. Yes, sir; and I have remained so ever since. But as my friend said yesterday, I don't know how long they can get along without it. Yet I am fully assured, so far as my judgment and knowledge go, that

the boy himself is never benefited by it, and especially if he is a little old, it breaks him down, and makes him feel ugly and sullen, and don't do him any good.' I don't know how they would get along sometimes; but I feel that it, like many other human things, don't answer its ends.

Q. I want to ask you, Mr. Ayers, how many officers or teachers were discharged within your recollection, while you were on the board of trustees, for severity of punishment?

A. I never thought of that fact at all, but I should think perhaps about ten.

Q. About ten?

A. But they were always discharged, I think, by the superintendent, who had hired them. I should think there were as many as ten.

Q. Were they discharged most frequently during the period of mild punishments?

A. I am not able to fix that definitely. My impression is that severity of punishment is rather from an outbreak, not of the boys, but of the person who is punishing them. Boys will sometimes be very impudent to persons having them in charge. I remember that one of the best teachers whom I ever know, said she had been grossly insulted by a boy. I asked if she remembered that he had been brought up where he had heard that same epithet applied to his mother, by his father, many times; and if she should take that into consideration, she would not consider it so terrible, because the boy didn't mean it. And she agreed with me, that it was not so bad as it would have been in a boy more carefully brought up. So I say, that many times the trouble is with the officer, as much as it is with the boys. He has been so ugly and impudent—and boys of 16 and 17 know how to be impudent and irritating—to the man, that the man must be almost a saint to refrain from punishing him.

Q. You were in the institution a year with Col. Shepherd. You left in 1874, and he came in 1873?

A. Yes, sir; I was there at that time.

Q. Were any officers discharged for severe punishment while Col. Shepherd was in charge?

A. No, sir; not to my recollection.

Q. The ten you speak of had been discharged before?

A. Yes, sir.

Q. Were you not yourself the cause of the discharge of one or two of these teachers?

A. I remember distinctly two, and I think there must have been more, because in going around among the boys, having obtained their confidence, I soon found out who the boys were who could be trusted, and who could not; and then, if a complaint came to me of wrong-doing on the part of an officer, from a boy I could trust, I gave it a thorough investigation. If I could not trust him, I looked it up casually; but if it came from a boy I could trust, I gave it a thorough investigation, and so far as I could, I had justice done.

Q. Was the sweat-box in use while you were there?

A. There was no such thing there while I was there, to my knowledge.

Q. Was the punishment of pumping upon the boys in use?

A. I have heard of boys being taken out into the yard and pumped on. I do not remember but one, and the man who did it was forthwith discharged. It was under Mr. Evans's administration, and I think he looked the matter up at once, and nothing further was done; but the officer was discharged.

Q. During that time, did not the by-laws require that every occasion for punishment should be reported to the superintendent before the punishment was inflicted?

A. I don't remember exactly about that; but I know at that time there was a by-law passed that all corporal punishment inflicted should be recorded, and the records should be brought to the superintendent once a month, and brought to the trustees every three months. But I always felt it was never fairly lived up to. I know it wasn't, with the utmost endeavors all of us could do. All we could do was to go round and find out all we could, Mr. Allen doing the same; and what we found we remedied.

Q. That is not exactly what I asked you. If you refer to the old by-laws, you will find that the whole power of punishment was in the hands of the superintendent; do you remember it?

A. I don't remember it, because it was many years ago.

Q. Whether you would think that a good rule?

A. I think it would be a good rule, that no corporal punishment should be inflicted by any officer but the superintendent, and by no other person, unless he were absent for some days, in which case the assistant superintendent should have the power. I should do that, because there would be no personal feeling in the punishment inflicted. But when a man had been grossly insulted by a boy almost as big as he is, he would be better than I am to keep feeling out of it.

Q. How long did you know a boy to be confined in the lodge while you were trustee?

A. I shouldn't wonder if boys were confined in the lodge three or four days. It wouldn't surprise me. The lodge has a bed in it, it is light, and people are passing along near it, and the only punishment is the confinement; and therefore it is not so bad a punishment. I went there one time and found one of the cells darkened by a tight board fitted over it, and I took measures to have it taken off.

Q. Why did you take those measures?

A. Because I felt that it was not right to have boys in a place where they couldn't have light.

Q. If you had found a boy there during the time of your trusteeship, and if you had been on a visit to Philadelphia, and been absent last year as you say, for six weeks, and when you returned to Westborough you had found that the boy you left in the lodge had been confined there all that period of time, what would have been your opinion of that punishment?

A. I should have thought it an improper one; and one of the reasons why I think it would be improper, is, that if it were going to do him any good to keep him there, it would have done so before, and if that remedy had been tried long enough without doing him any good, some other

means should have been resorted to. I suppose that some of the boys are of such a class that we cannot improve them, and I thought they ought to be sent somewhere else; and in such cases, I should take measures to send them somewhere else.

Q. Ever know a boy confined in the lodge three or four days without his clothes?

A. I think I never knew a boy confined in the lodge without his clothes; but I have known boys confined in the dormitories without their clothes, having bed-clothes furnished them; but that was from a desire to keep them in bed, and not come to the door and talk to passers-by.

Q. Was the strait-jacket in use while you was there?

A. There was one period that the strait-jacket made its appearance there; but we immediately passed a law that no boy be kept in the strait-jacket longer than one day—by that we meant one daylight day—and he should have his times for feeding and other proper occasions, and that he shouldn't be kept in the next day; and if necessary to be kept in more than one day, he should have a day between. As my memory serves me, that is the by-law and regulation.

Q. Did a boy ever have a leather strap, under such circumstances, passed through the mouth?

A. Not to my knowledge; never heard of it.

Q. Have you ever heard of anything like gagging applied to boys?

A. Never heard of it.

Q. If you went through the dormitory, and had found a boy gagged, what course would you have taken?

Mr. HYDE. That I don't think is a fair question,—to suppose a case, and ask him to suppose what he would do. Ask what he saw at the institution.

Mr. SANBORN. I leave you to ask those questions.

Mr. HYDE. I don't think that a proper question to ask under the circumstances.

Mr. SANBORN. This gentleman has had seven years' experience.

Mr. HYDE. Yes, sir; but let him tell his views of managing such an institution. I don't think such supposititious questions are proper to ask.

Mr. SANBORN. Then I will change the question. [To witness.] You haven't read the testimony?

A. No, sir; not a word of the testimony. I have only read a brief paragraph in the "Daily Advertiser."

Q. That does not give much information. It has been testified that two—perhaps more—of the boys at Westborough, during the last twelve months, have been placed in the strait-jacket for several days in the dormitory; and along with the strait-jacket a strap—a leather skate-strap—has been passed through their mouths and kept there during the greater part of the day. If you saw that punishment in use at the house of refuge at Philadelphia, what would be your opinion of it?

A. I should think, if a boy had done anything worthy such a punishment as that, he ought to be forthwith sent to some other institution, and that such a punishment as that could not do any good.

Q. Did you ever see or hear of such a punishment as that in any of the reformatories you have visited?

A. I never did.

Mr. HYDE. That form of the question I do not object to.

Mr. SANBORN. I merely changed the form of the question to obviate objection.

Mr. HYDE. I didn't suppose you would.

WITNESS. Allow me to say one word about the larger boys. He (Mr. J. A. Allen), of course, knows more about that than I do, though I think my memory is pretty clear. A large portion of those sent to the army was before I went there, and that undoubtedly removed many of the larger ones there; but we used to exchange boys from the ship, and bring them up there, and they, of course, were larger than our boys; and, if my memory serves me rightly, the boys who came up there turned out good boys, and did good service instead of evil; and I think that if they took those boys sent there, even up to 16 years of age, and gave them that care which, I think, the State should give and doesn't, I think a large portion of them could be turned out good, average citizens, and never be found in any of the institutions of the Commonwealth again. But we don't have time enough; the State don't allow officers enough, and don't allow pay enough for the officers. There are comparatively few officers who can so govern themselves that they can govern others. There is a teacher there now who can take fifty boys, and, in a fortnight's time, she can get her arms so around them that they would fight to the death for her, and be sorry to break any rule she established. In fact, I knew one of the boys who went up there and said nobody cared for him and he cared for nobody, and he hadn't been there a month before he was taken up because a boy in the yard had spoken ill of this woman, and he fought him for it. He found a friend there. But when a man has forty or fifty boys he cannot get around them.

Q. (By Mr. SANBORN.) You know something of the discipline in the prisons you have visited, in your life?

A. The best I ever saw was in the female penitentiary in Philadelphia; and that was because Mr. Chandler was there every day, for he loved that thing.

Mr. WASHBURN. Was he one of the trustees?

Mr. SANBORN. One of the inspectors.

WITNESS. Joseph W. Chandler, the prisoners' friend. One of the insane women had him for a friend just as much as any one, and he came to the door of her cell and a few words of kindly conversation occurred between them every day. The discipline has been entirely changed, and I was informed that the commitments had fallen off. Two-thirds of it was due to the influence of that one man.

Q. (By Mr. SANBORN.) Did you ever know any of the punishments alluded to this morning—the sweat-box, strait-jacket, gag, a stream of water from a pump or hose, excessive flogging—used in any institution you have visited?

A. Some of them. I have heard of persons—men, not boys or girls

—being gagged because they would make so much noise. I don't remember any of the others. They might be and I not know it.

Q. (By Mr. TRAIN.) In the house of correction and state prisons, is it a usual form of confinement in the solitary or dark cell?

A. I suppose it to be so, because in going through prisons I have had them pointed out to me. They were entirely dark.

Q. You believe that a proper punishment, if the offence warranted it?

A. In state prisons like that I would; but I don't think it would be a good punishment in any reformatory institution, because we don't want to institute any punishment there that we don't feel sure, on the whole, will be good for the person punished. The punishment, for example, is for the good of the boy, and if the punishment makes him mad and ugly and sullen, then we should get some other kind of punishment.

Q. You can imagine that an offence might be committed at Westborough, that, if committed at the state prison, would cause the person to be sentenced to the solitary?

A. Yes, sir; I think so.

Q. (By Mr. SANBORN.) I have only one question, to sum up those asked before. Up to the time you left the institution, in 1874, were any of these punishments described here in use there?

A. I think of no punishment except keeping in the strait-jacket, and we settled that for only one day, and then there should be one day intervening before applying it again.

Q. Did the trustees, during that time, ever allow a boy to be flogged on the back?

A. Not to my knowledge. By that I understand you to mean the bare back. I think a boy has been whipped with a single thickness of leather on the back, but always with his clothing on. I have no knowledge of any boy being whipped any other way than that, and not more than seven or eight blows at that, and with a weapon not worse than one used when I went to school, which didn't do any good then, and I don't suppose it does now.

Q. Have you seen an instrument of that kind at Westborough? [Handing him the trace.]

A. I have seen such an instrument made for use at Westborough, and the one who used it was turned out,—one of the best disciplinarians I ever knew, and a very good officer, indeed. We found it out, and followed it up, and had him turned out.

Q. (By Mr. WASHBURN.) What was his name?

A. I don't want to tell that, because the man has a good character. If you want me, I will tell who it was.

Mr. WASHBURN. Oh, no; I don't desire it. I thought it might be the case of Mr. Bigelow.

Q. (By Mr. SANBORN.) Have you seen an instrument of that kind at Westborough? [Handing witness the thin leather strap.]

A. I am answering entirely from memory. We submitted to it awhile, because we couldn't help it, for we felt that the boys must have something *in terrorem*. I should say it was a little less than that length.

Q. What was it for,—punishment on the hand?

A. On the hand and back, and always with their clothing on. I don't remember the time, but it was when we had a record of all the punishments, and I don't remember anything more than nine blows being inflicted at one time. I think that was the utmost that a man could strike.

Mr. SANBORN. Is this the skate-strap used for gagging, Mr. Chairman?

The CHAIRMAN. No, sir; we haven't it. [To witness.] You state that while you were a trustee there—or it was your opinion, that if a boy's offence was such that it was deemed necessary to keep him in the strait-jacket for a long time, or in the lodge a long time, that that boy ought to be sent to some other institution—that that wasn't a proper place to reform him, if such measures were deemed necessary?

A. I meant that fully, just as you stated.

Q. Now, I wish to ask you, what in your judgment would be the proper course if the laws were such that they could not send a boy from that institution?

A. I would abate his privileges, change his food, and make it not so pleasant to him, and yet always be pleasant to him and not injure his bodily health; and I would try to get some officer to work with him, and try the effect of that on him, because I believe you will get more good out of a boy if you could have two or three boys in charge of an officer. But the State Reform School does not have officers enough.

Q. That is what this Committee want to get at; taking the Reform School as it is, and the boys as they are, what is the proper mode of discipline to maintain control? That is a difficult question; that is the very question that this Committee want to get answered.

Mr. HYDE. The present law giving no right of removal to any other place.

Mr. SANBORN. I beg pardon, the board of charities can remove any number of boys to the workhouse at Bridgewater.

Mr. WASHBURN. They cannot—

The CHAIRMAN. That cannot be done. It has been tried in twenty cases, Mr. Hyde, but, as I understood, the board of state charities objected to it.

Mr. SANBORN. I know, and can bring testimony.

Mr. WASHBURN. The testimony has been that they could not remove them because the workhouse is full.

Mr. SANBORN. I believe there never has been a case when the trustees made application for a transfer to Bridgewater that the application has not been granted by the board. There was one time, when they were building cells at Bridgewater for the confinement of the boys, that there was delay for a few weeks; but I never knew a case of refusal.

Mr. WASHBURN. You state that on your present knowledge?

Mr. SANBORN. Up to last October, and I have knowledge of every case.

The CHAIRMAN. The Committee have been informed,—that is, the information we get is, that all the boys could not be properly cared for, that the place was not sufficiently secure to retain them, and that there

was great objection on the part of the inspectors of the Bridgewater Workhouse to receiving them. We supposed, as a matter of fact, that the boys at Westborough could not be transferred to any other institution.

Mr. SANBORN. That is not a fact, and I wish to ask the Committee to summon the master of the workhouse, to show what discipline he has been obliged to use on Goss and Turner, and several others. I would like the Committee to know what discipline he has used.

The CHAIRMAN. Yes, sir; but I should like to have my question answered. [To witness.] My question, and what the Committee want to get at, is this: With the laws as they now exist, referring to the transfer of boys from that institution, and with the laws as they now exist, with reference to the class of boys at the institution, what do you think of the modes of punishment or discipline resorted to there?

A. Allow me to say that while I was one of the trustees we did take the incorrigible boys and send them to Bridgewater, and had no difficulty in doing so. Now, in relation to the state of things there now, I should hesitate very long before I resorted to any such punishments, merely because I think they would do no good, and might do harm. That is based upon the idea that I have no right to inflict a punishment upon A in order that B may be frightened from doing the same offence.

Q. You have stated that the boys are different from what they were in the institution when you were there?

A. Entirely. What attracted my attention to the fact was, that instead of being boys, they are men. So far as I know, those men on the board of trustees would not allow anything cruel at Westborough.

The CHAIRMAN. I will not ask you any other questions. I think you have given us valuable information.

Mr. DAVIS. I would like to ask a few questions.

The CHAIRMAN. Make them as brief as you can.

Q. (By Mr. DAVIS.) Do you think the trustees would be likely to know if there were punishments that they did not justify?

A. We couldn't know it immediately; but I don't think many cruel punishments were inflicted while I was there that I didn't find out the next time I went there.

Q. There might have been?

A. It would be rather unlikely, because the boys communicated with each other, and complained when there was no occasion, and always when there was occasion; and those complaints came to me when I went around with the boys. I spent my Sundays there, and I went around the institution and around among the boys, hearing and seeing what I could, and picked up a good many useful lessons.

Q. You were there last October, you say, and spent Sunday; were you informed— You state that the discipline seemed to be admirable, and that there were large boys there, and men, etc.; and so everything appeared to be in a very perfect state of discipline. Were you informed then that these instruments, like the sweat-box and gag and strait-jacket and whipping with a part of a trace on the bare back, and all these punishments, were inflicted there? Were you informed of it at that time?

A. Nothing; because I didn't feel that I had the right, as a visitor, to place myself in communication with the boys, and therefore I abstained from asking questions.

Q. Now, what is your opinion of the reason those punishments were inflicted? What was the cause of it?

A. The little time I was there with Col. Shepherd, I found him to be a kind-hearted man indeed, and I felt that his influence over the boys had done them a great deal of good, and that the discipline he had instituted was good on the surface.

Q. Humane?

A. I think it was good, because I heard nothing to the contrary.

Q. I suppose they behaved well because they were afraid to do otherwise; is that a good plan?

A. As I said, I don't think it goes always to the full length; but in order to see whether it had the effect, to see whether it reformed boys, I should want to go around among boys and see whether it reformed them or not.

Q. You said there were not officers enough in that institution. As a matter of judgment, Mr. Ayers, what would be your opinion as to increase? How many more ought they to have than they have now?

A. I think they ought to have, in the main building, at least half as many more men, and twice as many female teachers.

Q. That would be one-third more?

A. Yes, sir; I think that the influence of women there is great for good.

Q. What would be your judgment about having women upon the board of visitors?

A. I think they ought to be there; that it is as necessary as it is to have them in the homes.

Q. You think it just as necessary as if women were confined there?

A. Yes, sir; I think it would be just as necessary as to have them at home.

Q. Some people say they ought not to have women there?

A. The best influence there is that of woman. Mrs. Shepherd is said to be a very fine woman, and her influence is great.

The CHAIRMAN. That was not an answer to the question.

Mr. WASHBURN. I wouldn't stop him if he wishes to say that Mrs. Shepherd is a good and useful woman.

WITNESS. I wish to state that I do believe that if three out of seven of the trustees were women it would be very much better.

Mr. DAVIS. I haven't quite got through with Mr. Ayers. I am asking questions for the purpose of information.

The CHAIRMAN. I thought you were merely giving your opinions.

Mr. DAVIS. I am asking for the subject of information, and if the rest of you are talking, it is not my fault.

The CHAIRMAN. Go on; let us have his opinion, and not yours.

Q. (By Mr. DAVIS.) I was asking Mr. Ayers if, in an institution where only males are confined for punishment, whether, in his judgment, it is desirable that women should be placed upon the board of

trustees or inspectors, the same as in institutions where women are confined?

A. I think so; certainly.

Mr. DAVIS. That is a good point, and it is something I want to know.

The CHAIRMAN. Very good, indeed.

Q. (By Mr. DAVIS.) In answer to a question asked you, you agreed that if a boy were kept there until he was 18 years old, it would be best for him, if he were not improved at that time, to be discharged from the institution?

A. I think, as a general rule, that it would; but there might be some boys of little feeble minds, and if so, they had better be kept there a little longer,—for a boy from 16 to 20 is a little savage, and has all the passions without judgment, and he would do things that he wouldn't do before he attained to that point,—there might be boys whose minds are not enough to govern them, and in such exceptional cases it would be better to keep them till they are 21.

Mr. DAVIS. I had written down a number of questions here that it seemed very desirable to get the evidence of this gentleman upon, but I suppose, as a general thing, the Committee would think them entirely superfluous, and I don't suppose it would really make any difference in making up my own mind, and for that reason I will not ask them. I don't think it is really thought advisable by the Committee that I should continue asking questions, although for my own benefit I should like it very much.

The CHAIRMAN. I don't suppose we should ask him to stay here very long. We have got a great deal to do.

Mr. PRESCOTT. I should like to ask a few questions; I have not asked any yet. [To witness.] You say you made a visit there last October?

A. Yes, sir; last October.

Q. How long did you stay?

A. I went on Saturday night and remained till Monday morning. I arranged to go with Col. Shepherd and didn't fix the day, and when I fixed the day and went, he was not there.

Q. Still, you found the institution in good condition, and good order?

A. It was in very good condition, and I never saw it apparently in better order than then.

Q. Were you a member of the board of trustees four or five years while Mr. Allen was superintendent?

A. I was a member three years while Mr. Allen had charge of it.

Q. What was the effect on the boys while Mr. Allen had charge of them?

A. I think it was really good, and I think real good was done to the boys. The boys were younger and smaller, and more easily managed, and of course, the large ones tried his patience very much. But I think he had the gift of handling that kind of boys, and I think they all remembered and carried through life what he did for them. I think the training in his hands was very good indeed.

Q. What was the occasion of Mr. Allen leaving his position there?

A. Well, I had been out of the board when he left, and I could not know except by hearsay.

Q. Do you know anything about it?

A. Except by hearsay.

Q. We have had a good deal of hearsay testimony, and I forgot to ask Mr. Allen what, after his successful administration of affairs there, was the occasion of his leaving the institution?

A. I think,—I suppose I shall give offence for the answer,—I think he was turned out because he was not considered pious enough to suit the ruling element in the board. If I am wrong, I am sorry; but you compelled me to give the answer.

Q. From your experience in connection with reformatory institutions, what is your opinion of the effect of severe corporal punishments being administered upon boys of the age from 16 to 20 years?

A. It makes them lose their self-respect, and puts them down, and it is not easy for them to get up. I should think severe corporal punishment has a bad effect on large boys; it might be not so bad on small boys, although I think it don't do them any good, although the fear of it might sometimes hinder other boys from committing the same offence.

[After a brief pause, the witness resumed.] I want gentlemen to understand that the last answer I gave was not given in the spirit of levity at all, but in the spirit of truth. The gentleman understood that he had got the reason, and I gave him my reason.

Q. You mean the answer in regard to the cause of Mr. Allen's leaving?

A. That is what I mean.

Mr. HYDE. Before closing, Mr. Sanborn said some time ago that there had been an exaggerated idea of the increased age of the boys as it appeared. I would like to read his own report in regard to it, made last year.

Mr. SANBORN. What I said was in regard to the statement made here in this room.

Mr. HYDE. I said you said that one of the difficulties of the school was that the average age of the inmates has been exaggerated. I will read his report.

"The present law allows boys between the ages of seven and seventeen to be sent to Westborough, where now the average age of the boys committed is about fifteen years, or nearly four years greater than it was in 1860."

Mr. SANBORN. The figures I read were intended to cover Mr. Ayers' trusteeship. The age kept increasing from 1860.

Mr. HYDE. But your last statement was that figures had been exaggerated; that is a strange statement.

The CHAIRMAN. That is correct.

Mr. SANBORN. It is taken from the official figures.

A. G. SHEPHERD.—*Sworn.*

Q. (By the CHAIRMAN.) How long have you been superintendent of the Westborough Reform School?

A. Since May, 1873.

Q. May, 1873. Will you tell us, in your own way, the condition in which you found the school, as to the conduct of the boys, what change you made, in your judgment, to improve the institution, and go on with such statements in that line as you think proper.

A. May 14, 1873, I reported at the school with Mr. Ayers, for duty. The next morning, in company with Mr. Ayers, I went to the office of the school, and he notified the assistant superintendent to leave; he wanted him to leave within twenty-four hours. The school was in what I considered a bad state.

Q. In what respect?

A. Insubordination on the part of the officers, and the inmates were rather rebellious.

Q. (By Mr. TOMPKINS.) Who was the assistant?

A. Mr. Page. I entered upon the duties really as assistant superintendent. Mr. Evans remained a few weeks; he retained the position of superintendent, and I performed the duties of assistant superintendent, at the same time receiving instructions as superintendent. I found that the building had previously been fired, and a boy named Peter Plant was then in the lodge charged with setting the fire. I was directed by the executive committee to present his case to the court, which I did. The boy was indicted and found guilty and sentenced to three years in the house of correction. I also found a boy named John A. Martin locked up who had committed an assault upon an officer, disabling the officer. I continued along in the course of a few weeks—two or three weeks—

Q. (By Mr. HYDE.) Was anything done with that boy, Martin?

A. Yes, sir.

Q. When you mention those matters, please explain them as you go along, and it will save referring to them afterward.

A. Do you mean for the offence committed at that time, or some other offence?

Q. Was he removed at that time?

A. Yes, sir. There was a complaint made against him in the district court. The officer testified against him.

Q. Was he removed from the institution at that time?

A. He was taken to the district court.

Q. That doesn't result in anything, unless he was taken from the institution.

A. He was returned afterwards.

Q. Go on.

A. Shall I go on with Martin?

Q. (By the CHAIRMAN.) My inquiry was to get at the general condition of the school when you took it, and, if you made changes, state what they were, and bring it along up to the present time.

A. I found a great deal of trouble there, and the boys were considerably stirred up. I tried to fully realize the position of the school, and thought it had been suffering from the change in the character of the inmates. I took special pains to better the condition of the school as much as I could, and I introduced such a system of rewards as might be beneficial to the inmates. For instance, I used to reward the boys on Saturdays

by taking them down to the village, and marching them around. In 1873, —I think it was in the month of December,—we had a colored boy who was sick of consumption, and he died. Previous to his death, myself and wife sat by his bedside,—sat up with him nights,—and the other officers followed the example. The little fellow was born down in South Carolina, had no relatives or friends up here, but found his way up here, and having committed an offence of larceny, was sent to the school. I was at the bedside of the boy when he died, and he said, appreciating what I had done for him, “God will bless, God will reward you.” I had service the next day after the boy died. I made it the occasion for the suspension of work throughout the institution. I told the boys at evening prayers what I intended to do the day following; that is, take them out of the main building after the service was over. I spoke to them in this way: “It makes no difference to me how mean an act you may have committed before coming here, I do not think any one is so mean as to do a dishonorable act over the grave of a school-mate. Now, boys, I propose to take you out of the institution to-morrow, and if any one thinks he cannot go out without disgracing the institution, let him raise his hand.” Not one raised his hand. I took all the boys down to the cemetery the next day.

Q. Where was that?

A. About one-fourth of a mile from the main building. Out of the 98 boys who ran away in 1873, all but six were accounted for, and some of those same boys who had previously broken away, went down to the cemetery and returned. Nothing more occurred in the establishment of importance previous to the close of 1873.

Q. Colonel, allow me to interrupt you. You have not stated whether there was a spirit of discontent or insubordination, or anything of that kind, when you took the school?

A. Yes, sir; I have stated that the boys were inclined to be rebellious, and were stirred up. They had just passed through this escapade that Mr. Ayers referred to.

Q. I did not know that.

A. The superintendent, Mr. Evans, had resigned.

Q. (By Mr. SANBORN.) Didn't you state that you were there before Mr. Evans left?

A. He was there, but had resigned.

Q. (By Mr. HYDE.) I did not catch the date when you went there.

A. I went there on the 14th of May, 1873, and the assistant superintendent resigned.

Q. When did you cease to be assistant superintendent?

A. Mr. Evans left in about three weeks, and during that time he and I divided the duties of superintendent.

Q. (By the CHAIRMAN.) That is, while you were getting familiar with the duties?

A. Yes, sir.

Q. Now, will you go on, beginning at 1874?

A. In 1874 I organized a base-ball club, composed of some of the worst and largest boys in the institution. The captain of that club was sent to the institution for stabbing a man. I had them uniformed, largely

at my own expense. I had them play as many as six games of ball with the students of St. Mark's College in Southborough. They came over into the grounds, and our club exchanged visits with them. The object was to make amusement for the rest of the school. When we had such matches, I took the boys from the main building out of the institution into an open field to witness the games. I do not mean to say I took all those boys, because I thought there must be some reward for good behavior, and I took those from the higher grades. On one occasion I took six boys to Lynn.

Q. The base-ball club?

A. Yes, sir; and they played a game there and returned.

Q. What class is the club made up from?

A. They are considered the hardest boys in the institution.

Q. The hardest?

A. Yes, sir; the captain of the club was sent there for stabbing a man. I wish to mention here one little incident on the trip down to Lynn. I chartered a horse-car and took a seat myself at one end of the car, and during the trip the conductor came to me and said, "Ain't you afraid those boys will run away?" and I said, "No"; and he said he wouldn't risk it. I said, "If you hear anything, let me know." Before we reached Lynn he came to me and said, "You are all right." I asked why, and he said he sounded one or two of those fellows by saying that some of the boys wouldn't return to the institution, and one of the boys replied, "I will bet you half a dollar that all those boys will go back." It showed the confidence they had in me and I in them.

Q. (By Mr. SANBORN.) Did he get the half a dollar?

A. No, sir; I did not know there was any money put up. They all returned to Westborough. That is only one of a series of trips made by the boys to the surrounding towns, including Grafton, Clinton, and other places.

Q. (By the CHAIRMAN.) Had they been accustomed to such privileges before you went there?

A. No, sir.

Q. (By Mr. TOMPKINS.) Under whose administration was this great escapade of the boys?

A. Mr. Evans was the superintendent at that time.

Q. Was Mr. Ayers one of the trustees at that time?

A. Yes, sir.

Q. You never lost a boy?

A. By breaking out of the building?

Q. By getting away?

A. Boys have escaped from the building; perhaps one or two at a time.

Q. You have always brought them back?

A. There might be some boys out now by reason of elopement, but I have made some efforts to capture them.

Q. There has been no great number escaped from you?

A. No, sir; I have also introduced other systems of rewards, such as the classes known as the "Tried and True," "Band of Hope," "Bible

Class," and the "Singing Class." The tried and true hold weekly meetings, and so do the other classes. They have a constitution and by-laws, and their meetings are conducted in accordance with Cushing's Manual. Each class is furnished with a copy. Those boys are furnished with badges at no expense to the State. They are silver-plated.

Q. (By Mr. WASHBURN.) What class is that—the tried and true?

A. The tried and true, and all those classes. The State has not had to pay for them.

Q. (By the CHAIRMAN.) What seemed to be the effect of those classes that you spoke of?

A. I think it has a beneficial effect, because I believe that hope must be held out to any one regardless of sex, and my object was to have an incentive for those boys to climb, so that when they did get up a certain distance there would be a corresponding reward. I wanted to raise those boys, who had a desire to do right, above all level of those boys who had no ambition to do right. When we first established our Bible class, the boys who attended it were generally sneered at and called spies for assisting the officers, and I had to make extra efforts to get in between those boys and protect them. A boy feels badly to be called a spy by his fellows. There is a bad element in Westborough, that is constantly trying to drag down boys, because they think those good boys are going to have favors from the officers. So far as that is concerned, the officers favor good boys and try to lift them up and reward them. In addition to the classes, I organized a military company, and also a fire company. The fire company there, on two occasions, rendered services away from the institution, and not a boy ran away on those occasions. The military company made its first parade in Springfield, with muskets, and soon after the agricultural society at Shrewsbury sent an invitation to them to come there and parade. They went, and paraded through the streets of the town, and took part in some of the singing at the church, and, so far as I know, their behavior was all that could be expected of them. In regard to the fire company, they have taken part in parades, and they took part in a muster of firemen down at Westborough, and, to their credit, they beat the Westborough department on a fair trial, with competent judges appointed. Those boys, on that occasion, were right around among the crowd; they were not held by any rope, and mingled in with the rest of the bystanders, and had a good time generally, and the townspeople gave them a collation in the town hall.

Q. That was in 1875?

A. That was in 1876, when they paraded with the muskets. The boys have paraded in the village of Westborough every year since I have been there, with the exception of 1873, but with the muskets in 1876.

Q. All of those organizations referred to existed in the institution?

A. Yes, sir; and they have got a drum corps which have been invited to Hopkinton, I think it was, and the town of Hudson. They have played for organizations parading in those towns. I have also had boys to the number of 40 go to the town of Ashland, 10 miles from the school, and give a Sabbath-school concert in one of the churches in the town of Ashland. They have also taken part in church entertainments in the town

of Westborough. The week that the boys were sentenced to the house of correction for participating in the riot of January 12, that same week there were 35 boys who gave an entertainment in aid of the church fund in the town of Westborough. I say this to show to the Committee that the choice has been held out to the boys whether they would conduct themselves in such a way as to be sent to the house of correction, or to be identified with the good people of the town of Westborough. One party accepted the choice, and the other refused it, and went to the house of correction.

Mr. TOMPKINS. What year was the school ship abolished?

The CHAIRMAN. In 1871.

WITNESS. From 1870 to 1872. The two ships were not disbanded the same year.

Q. (By Mr. TOMPKINS.) One was in New Bedford and one in Boston?

A. They cruised around, anywhere in Massachusetts Bay, but I think there was a difference of one year in the disbanding of the ships.

Q. Did you find the school-ship boys there when you went there?

A. Yes, sir.

(By the CHAIRMAN.) What other changes did you make in the classification of the boys in the institution from what there had been previously?

A. I could not make any particular classification, with the exception of making those particular classes, and in promoting boys to classes. I promoted in such a way that I was able to keep the trust houses full. In 1873 the character of the boys was such, that I found it difficult to keep those houses full. The reports show that the trust houses were kept full after 1873, and in one house they had not had an elopement for a year.

Q. Take a boy when he goes to Westborough; state what you do with him if he is a good boy, and what becomes of him; and if a bad boy, what becomes of him?

A. Under our present system, if a boy comes in, regardless of his age, he has to go in the main building and mingle with the others.

Q. In what rank is he put?

A. We have six grades: the first, second, third and fourth, and the trust and honor. When a boy enters the school he is assigned to the third grade, and he is remanded to the grade which is lower, and which is the one of disgrace. We have a circular bearing upon that point to the officers, in which they are told to labor with those boys, and prevent them from falling into disgrace. The boys are given a month till they reach the grade of honor. When they reach the first grade, they are eligible to the trust houses.

Q. What I want to find out is, what makes them eligible to the different grades? Follow him as a good boy and as a bad boy.

A. If you will allow me to read a circular, you can get it just as it is. [The witness searched among his papers for the circular but could not find it.]

Q. Take him as a good boy, and follow him up, and show where he will land; and then take him the other way.

A. He enters the third grade, and he remains in the third grade for three months. If at the expiration of that time he has not lost 29 marks, he

passes up to the second grade; if he has lost an excess of 29 marks, he goes down into disgrace. After he passes into the second grade, if he does not lose 10 marks for that month, he passes up to the first grade. After he reaches the first grade, he remains there three months, and if at the expiration of that time he has not lost in excess of 29 marks, he goes into the grade of trust; and the same standard applies to the grade of honor that applies to the grade of trust.

Q. What does he have to do to get from the third grade to the second, and from the second to the first, and then up again?

A. Well, if he has behaved himself in such a way as to lose those marks, the officers and teachers have department books, so that the boys, during every 24 hours, are in the custody of the officers and teachers, or watchman. The boys are continually watched for the 24 hours. Now, if a boy, for instance, in school to-day, does anything that is wrong, that he should be marked for, he loses one mark, or he may lose two. Four is the standard. Every mark from four counts against him in the month in error; so, if a boy has lost in excess of 10 marks at the end of the month, that goes into the grade-book at the office and counts against him; but if he has not lost 10 marks, he goes up and gains one grade. The grade of a boy is established in the office. The boys all understand this, because when they first enter the building they are instructed in it. It is the duty of the superintendent, or assistant superintendent, to inform him of every rule. He is thoroughly advised what it will be for his benefit to do, so that every boy acts understandingly.

Q. Are there not increased privileges the higher a boy gets in rank?

A. Yes, sir.

Q. Please tell us what they are?

A. If a boy reaches the trust grade, or the grade of honor, he makes application to get into one of the classes; he makes a written application to the class, which is referred to the executive committee; they pass upon the case, and if, in their judgment, he is not a suitable person to go into the class, he is not allowed to do so. It then goes to a ballot, and it requires a unanimous vote for membership. If there is one black-ball, he is not admitted. If he is admitted, he receives a certificate of membership, and he has outside privileges. These boys hold their meeting after the other boys retire, and they get the best positions in the institution. We hold out the inducement that he will have to get into the first grade before getting any privileges outside. After getting to the first grade, he can be promoted to the trust houses; or, if he gets into the first grade, and doesn't care to go outside, he can be elected into one of those classes.

Q. Then he must be in the first grade in order to get outside of the building?

A. Yes, sir. He must be in the first grade in order to be promoted to the trust houses.

Q. Having got into the trust houses, then, what will drop him back again into the first grade?

A. Bad conduct at the house where he may be consigned.

Q. And then, bad conduct drops him back into the second grade?

A. Yes, sir.

Q. And so on, down to the third grade?

A. Yes, sir, and to the third and fourth grade.

Q. That follows the boys up into the trust grade, does it?

A. Yes, sir.

Q. Having got up into the trust grade, and continued in that grade, then what? Is he subjected to be taken from the institution, if a place is provided?

A. Yes, sir; if he is in the first, trust or honored grade. If a farmer makes application for a boy, a boy in any of those grades can go.

Q. If he is lower grade, the second or third grade, do you take them from those grades of the institution?

A. No, sir.

Q. Then, it is held out to him, if he holds out, and reaches those high standards, he will then leave the institution?

A. Yes, sir.

Q. There is a home held out to him, isn't there?

A. Yes, sir; that is the object held out for him to reach.

Q. So as to get out of the institution into a home?

A. Yes, sir; we have had some boys there who have refused to go with the farmers. On several occasions I have had boys refuse places. On one occasion I had a boy cry bitterly on leaving the institution; I have known several boys to cry on leaving the institution.

Q. Now, having followed the good boys, take a boy in the third grade; what misdemeanors must he commit to be disgraced to the fourth grade?

A. Any misdemeanor requiring him to be put in the lodge will reduce him one grade. There is a printed circular to that effect. The officer must report it to the office. At the expiration of every month, when the grades are being made up, every boy who has been in the lodge loses one grade. For instance, if a boy is in the first grade, commitment to the lodge reduces him to the second grade; and if in the third, it reduces him to the fourth; and so on down to the sixth.

Q. After he has dropped so much, just so much further he is from getting any home outside of the building?

A. Yes, sir. I wish to make one statement in regard to boys who have been taken sick at the school, because I think it is in justice to the officers to show how kind they have been to the boys. In two cases, the parents have been notified in regard to severe sickness; and in these two cases the parents, on coming to the school, preferred that they should remain. I remember a case of one boy whose mother came to see him, and was with him when he died; and after the boy died, she said she was poor, but would like the body removed to Fall River. The officers put their hands into their pockets and subscribed \$30 for her, and sent the body home to Fall River. It cost the State nothing, and cost her nothing. I know of a great many kind acts done by those officers for the boys.

Q. In regard to the discipline of the institution as you found it, and as

it went on from year to year since you have been there, has the *morale* of the institution improved?

A. Well, I suppose that some might say that the discipline of the institution was lax when I went there, and by others it might not—or some parties might consider that the discipline under me was a little more strict; but whether it was strict or not, I have endeavored to be just, and to labor for the best good of the boys. I have endeavored to bring that institution to the favorable notice of the public, so as to create a demand for the labor of these boys. There are many boys who have no help beyond that school. I know some boys whose parents are in the house of correction; some whose parents cannot help themselves. We have got to help those boys, and we have got to seek places for them with the farmers and other persons; and by bringing the institution to the favorable notice of the public, and removing the stigma of a prison, I consider that I have done great good to the boys. But the fact of this investigation is going to be a great detriment to those boys.

Q. (By Mr. WASHBURN.) How so?

A. Although the demand for their labor has lessened, it will lessen still more.

Q. (By the CHAIRMAN.) In what direction do you mean it will be a detriment to the boys?

A. Well, sir, many persons have boys sent there for trivial offences, and after they go through the discipline of the institution, they make suitable persons to be employed. I have had occasion to vouch for the boys. If they find that a boy was sent there for stealing, they would turn away from him. We have to try to induce people to take boys who were even addicted to stealing before they came there. I think many persons have never realized that young men have been sent there for highway robbery and manslaughter. We have never paraded it before the public, and we have endeavored to keep the school in as favorable a light before the public as possible, for the benefit of the boys.

Q. As to the character of the boys?

A. Yes, sir.

Q. I want to get this from you as a fact. When I spoke of the *morale* of the institution, I referred to whether you had improved the condition of the institution after you got there, and had been there, and whether it is in a better condition now than when you went there?

A. Well, up to last November, the institution was in an excellent condition, and it was so conceded by every one who had been cognizant of the workings of the school for a number of years. After November, up to the present time, the boys have been uneasy, and have seemed to manifest opposition to the new building. The officers noticed it, and so reported it to me. Last summer, very few boys there were punished. There was nothing noticeable in the shape of riots or rebellious conduct, or opposition to the rules of the institution.

Q. (By Mr. ALLEN.) Up to when, Colonel?

A. Up to November and December. We had a decided change after that.

Q. (By the CHAIRMAN.) From your frequent intercourse with the boys, what do you consider the cause of that change in them?

Mr. SANBORN. I want to know whether he makes this statement upon the record of punishments, or from general impression?

WITNESS. From my general observation.

Mr. SANBORN. I think the record of punishments will show differently.

Q. (By the CHAIRMAN.) You were constantly among the boys?

A. I am constantly among the boys; so much so, that before this investigation, this winter, I have talked with every boy in the school, and knew his name, and could tell all about him.

Q. I want to ask one more question. I want to know what you considered the cause of the change which manifested itself last November?

A. The impression on their part that to be transferred to the new building was going to increase their time of detention, and I can give you one case if you wish it.

Q. You can state it, but it isn't very material.

A. The latter part of January, a boy named Garaughty, who was released from the school before I went there, had been behaving so badly that the trustees ordered his return to the school. The officer who brought him to the school told me about some threats that this boy had made, to the effect that he wouldn't stay there four weeks, and he used some profane language in the matter. Acting upon that information, I took that boy Garaughty in the lodge, deeming him an unsafe person to be among the others. I kept him there until he made a written promise that he wouldn't break any of the rules of the school, and would behave himself in a proper manner. When he got up into the yard, as they call it, with the school, in the course of a few days he got up a plot with a boy named Burns and a boy named McDermott, to throw bowls at the officer when they went into supper. I received information of it from another boy, and removed them, and locked them up, and prevented that plot from being put into execution. That boy Garaughty said his only object was to do sufficient to be sent to the house of correction, thinking that he might get a short sentence of one year, and at the expiration of that time he would be free and at liberty to go where he pleased, while, on the other hand, if he remained at Westborough he would be transferred to the new building and remain there till he was 21. I had that boy appear before the sub-committee of this Committee, and I expected he would make the same statement to you. If he fell short of that, he didn't state what I know to be a fact.

Q. What is the routine of daily duty in the institution?

A. Six hours are set apart for labor, and four for study; the rest of the time is spent in sleep, playing, etc. That is the division of the time.

Q. What are the classifications of the employés of the institution? You have an assistant superintendent; there are how many officers and teachers, female and male?

A. There is the assistant superintendent; there are eight schools—some might call them classes, but they are known there as schools—and eight teachers, a teacher for each school.

Q. How many schools?

A. Eight; five in the main building and three in the trust houses.

Q. How many boys does each teacher have under his own eye at one time?

A. The teachers at the outside houses have from 24 to 30 boys; the teachers in four of the schools have an average of 50. There is one school, called the fifth,—organized in consequence of the extra number of boys there,—which has but 24, because the room will not admit having any more scholars in it. There are two general chair-shops in the main building, and there is a male overseer and a lady instructor in each of these chair-shops. We also have two sewing-rooms, and a lady overseer in each room. We have a bakery, where the boys do the principal part of the work, and in the laundry they do all the work; they are under the direction of the laundress. Then there are some boys employed in the officers' quarters, in the domestic department, doing the domestic work; and there are about 80 or 90 boys who work on the farm during the farming season. During the winter season they seat chairs in the shops connected with each building.

Q. Do you have personal daily duties? What do you make your daily duties?

A. Well, sir, I go around most of the institution. Some days I am engaged and have to receive visitors, and am called away; but when I am on the premises, I intend to visit every department. Some days I don't succeed in getting around, but it is no fault of mine. I go into the workshops frequently and talk with the boys, and go around among the scholars.

Q. Every day?

A. Yes, sir; when not engaged by other duties.

Q. Are you interrupted very frequently, or is it general in you to visit all parts of the institution every day?

A. As a general thing, I visit all the departments of the main building; sometimes I do not get out to the outside houses.

Q. Does that include the boys who are in the lodge?

A. Yes, sir.

Q. Those boys in confinement, then, you see nearly every day?

A. Yes, sir.

Q. Or unless interrupted?

A. Yes, sir; or I can hear from them by the man who attends to them in the lodge.

Q. Do you have certain hours at which boys can come and see you?

A. Yes, sir.

Q. What are those hours?

A. Any boy who wants to see me can have that privilege at 9 o'clock in the morning, when I am in the main building. The boys so understand it.

Q. You mean he can leave any work-room and come and see you?

A. No, sir; that is the time assigned for play. They have 20 minutes' recess at that time, and some, instead of going through into the yard, will come into the entries and come into the office and see me. Then

there are other times, between 2 and 3 in the afternoon, when boys can come in and see me.

Q. Have you made changes in the discipline of the institution since you first went there, or do you now have the same methods that you had in the first place?

A. No, sir; I found it necessary to introduce some methods of discipline. The lodge existed when I went there, but what I call "the box" was erected in 1875; and I have used, or caused to be used, water from the garden-hose and also from the steam-pipe.

Q. (By Mr. SANBORN.) What is the size of that hose?

A. The engine-hose?

Q. The steam-pump hose.

A. It is a two-inch hose. It has been testified to being four inches, but that is not true.

Q. (By the CHAIRMAN.) What is the size?

A. A two-inch engine-hose. There is what is called the pipe for the garden-hose, which is a little over an eighth of an inch.

Q. (By Mr. SANBORN.) Have you a pipe for the steam-pump hose?

A. Yes, sir; the nozzle is seven-eighths of an inch to an inch larger.

Q. (By Mr. ALLEN.) And the force is enough to throw water over the building?

A. Yes, sir.

Q. (By the CHAIRMAN.) What is the size of the nozzle? You say it is seven-eighths of an inch larger than that?

A. Yes, sir.

Q. (By Mr. HYDE.) Not larger than that [alluding to a nozzle held by Mr. Sanborn]?

A. I think it is one inch, sir.

Q. (By the CHAIRMAN.) The diameter of the largest nozzle is one inch?

A. Yes, sir.

Q. (By Mr. ALLEN.) And the hose two inches?

A. Yes, sir.

Q. (By the CHAIRMAN.) The water passes through the nozzle?

A. Yes, sir.

Q. A great deal has been said about the erection of the box. Did you cause the erection of the box?

A. Yes, sir. In my report to the trustees— I am expected to make a quarterly report to the trustees of everything about the school, and pertaining to it. On April 1, 1875, I made this statement in regard to the box [reading]:—

"William P. Magee is now in the lodge for using threatening language to Mr. Armitage. The safety of the officers and order of the school requires that he be transferred to Bridgewater.

"The early transfer of John A. Martin would be a legal way of disposing of a boy who does not give any evidence of reform, and whose influence in the yard is very bad. Martin was at one time an inmate of the Reform School in Maine, and has twice been an inmate of the institution at Deer Island; his record while here has been bad. A few weeks

since, while engaged in a fight with another boy, he bit him several times about the body.

"As a punishment for such a class of boys, I have caused a wooden box to be erected in the attic as a substitute for the strait-jacket, which I believe will prove more effectual and healthy than detention in the lodge."

WITNESS. This Magee, on one occasion, struck an officer, causing the blood to flow as the result of the blow. The watchman came for me, and I found Magee in what we call the watchman's office. On entering the room, I noticed he had something in his pocket,—something that seemed to show itself through the clothing. I went toward him, and took him by the hand, and found he had a long scissors' blade. He had taken the watchman's scissors and broken off one blade, and so it had left in his hand what might be called a good dirk. He said he wanted to stab that officer whose name is Coville. I took it from him and put him in the lodge. On another occasion this same Magee had a knife which he was going to stab Mr. Hall, a teacher, with. I took Magee into an adjoining room and took the knife away from him. He said he intended to stab the teacher, Hall, that night. Magee has been a very bad boy. Then, in regard to this John S. Martin, he entered into connection with a boy named Dow, to undertake to break out of the school in presence of a teacher, while school was in session. He committed several offences, and was a troublesome boy generally. He had struck an officer with a bed-slat. Finding we couldn't do anything with these boys, I caused an application to be made to the board of state charities for the transfer of these boys to Bridgewater. Soon after they went there, these boys committed a violent assault upon the assistant superintendent of the workhouse, and he escaped. Magee was, some time afterwards, apprehended, and received a sentence of 18 months to the house of correction. Martin has not been apprehended to my knowledge.

Mr. SANBORN. If we had Mr. Leonard here to testify in regard to all these boys, it would materially assist the investigation.

Mr. HYDE. [To witness.] You have stated the origin of the box; will you now go on and tell of its use?

The CHAIRMAN. That is the question I was going to ask. [To witness.] Tell us under what circumstances boys are placed in the box.

A. It was intended for serious offences, and for boys who didn't want to be punished with the strap. I have, in conversation with officers, on many occasions, advised them about using the strap upon those large boys, because I think it is injudicious; I think those large boys are very much inclined to be pugnacious, and they want to have a fight; and I don't like to see any officer mark up a boy. That is my principal reason for dealing with those boys in that way.

Q. And you instructed the officers so to do?

A. I think that too much strapping a large boy would bring about a bad result.

Q. You wouldn't wish to bring about any injury, and not to the officers alone; you expected the box to be used for flagrant cases?

A. Yes, sir. Then, in regard to its being substituted for the strait-jacket, I found that when boys were put in the strait-jacket and placed in the dormitory, they were sometimes noisy, and were not so likely to receive attention or answers to their calls as they would be in this box. The box was situated directly over the office, and an officer was constantly in attendance.

Q. Did you find the strait-jacket when you came, and was it used previous to your coming?

A. Yes, sir; and regulations concerning the use of the strait-jacket.

Q. (By Mr. SANBORN.) Such as Mr. Ayers testified to?

A. No, sir.

Q. (By Mr. WASHBURN.) How heavy a boy have you got in the institution?

A. I think there is one at present about 183 pounds. I have had one boy weigh 185.

Q. What is his size?

A. About five feet nine.

Q. Is he powerful?

A. Yes, sir.

Q. (By the CHAIRMAN.) Are you now referring to the record of its use?

A. No, sir; I am referring to the regulations of the trustees for the use of the strait-jacket. On January 9, 1873, it was voted, "That no boy shall be put or kept in the strait-jacket more than 24 hours at a time, and in case of a repetition being necessary, there should be an intervening space of 12 hours before another application."

Q. Does that regulation exist now? Does the same regulation now apply to the use of the box in the institution?

A. Yes, sir.

Q. And it is adhered to?

A. Yes, sir; and, in addition to that, there is a notice on the box that officers having occasion to commit boys to that box will let them out at noon, and before the hour of retiring. I think there is a copy of that notice in the hands of the secretary of this Committee. He received it up there.

Q. In your opinion, which form of punishment is most trying or severe to the boy—the use of the strait-jacket or the box?

A. In my opinion the box is the most effective.

Mr. HYDE. His question was which was the most severe or trying.

Q. (By the CHAIRMAN.) Which is the most severe to the boy?

A. The strait-jacket.

Q. (By Mr. SANBORN.) Have you tried both?

A. It is my opinion.

Q. (By the CHAIRMAN.) You had the strait-jacket when you went there?

A. Yes, sir.

Q. In your judgment, has the box proved a satisfactory method of discipline for the class of boys put in the box?

A. Yes, sir; I think it is satisfactory.

Q. That is your judgment?

A. Yes, sir.

Q. What are the instructions to the officers of the institution respecting punishments?

A. The instructions are in the blanks that they are expected to make reports on.

Q. Are there any other instructions to them with reference to when and how they should punish?

A. No, sir; not that I am aware of.

Q. Well, supposing you should take a new officer into the institution, and place him in charge of a school-room or workshop, what instructions would he receive with reference to management of boys under his charge?

A. He would be expected and instructed to preserve order and maintain discipline. The punishments are the lodge, the strait-jacket and the strap. As to how he shall apply the strap, I don't know any case where he receives special instructions. It is left discretionary with the officer.

Q. Then, if he injudiciously or too severely uses the strap, you would expect to regulate it afterwards?

A. Yes, sir.

Q. Have you had such cases as that at your institution?

A. I have had occasion to report three officers for severe punishments since I have been there.

Q. Report to the trustees?

A. Yes, sir. The first one was named June. He was recommended to the institution by an agent of the Young Men's Christian Association, as being a suitable person for the place. I forget just how long he served there; it may have been six weeks or less, but he was considered severe in his punishment, and was discharged. The next case was that of a lady. I suppose you would like to have her name.

Q. I am not particular about that.

A. This lady procured a rawhide from some source, and struck a boy so as to break the skin on the hand and face.

Q. (By Mr. ALLEN.) When was that, Colonel?

A. I think it must have been in 1875; by reference to my journal, perhaps, I could give the date.

Q. (By the CHAIRMAN.) What course was pursued with reference to it?

A. I reported the case to Dr. Harvey, and when he visited the institution he brought the boy up to the office and saw him, and he approved of discharging her.

Q. Was she discharged?

A. Yes, sir. The next case was a man named Marsh. He was going to punish a boy, and I think he had his keys in his hand at the time, and he pressed the keys on the flesh so that it broke the flesh, and that case was reported to Dr. Harvey, and the man was discharged. He looked at the wound.

Q. Since you have been in the institution, have you found it necessary to increase the punishment of the boys in order to maintain discipline?

A. Yes, sir; I have resorted to everything. For the last three months

the boys have behaved badly—that is, from November up to the present time they have behaved badly. They seemed to be rebellious, and seemed to be quite changed in their conduct, and I have had to resort to three different punishments to keep them obedient.

Q. Previous to that, were corporal punishments as frequent as before you went there?

A. No, sir; I think corporal punishments have materially lessened since I went there. Officers who served under previous superintendents have told me that corporal punishments have decreased greatly, especially by the use of the strait-jacket.

Q. You introduced the box for a substitute for that?

A. For the strait-jacket more than anything else, and for the punishment of those classes I have described.

Q. A good deal has been said about the use of water as a punishment to the boys. Is it frequently resorted to as a means of punishment? I do not mean now to specify the exceptional cases, when the riot occurred, in the cells, or anything of that kind; but as punishment for offences, is water frequently used.

A. No, sir.

Q. How frequently has it been used in that sense, so far as you know?

A. I think that seven or eight boys may have been punished by the use of water.

Q. Can you tell the Committee the circumstances of these punishments—the offences and the degree of the use of water as punishment?

A. In the first place, the boy Collins was present in the chapel on Thanksgiving night with the rest of the boys.

Q. Last Thanksgiving?

A. Yes, sir; we had an entertainment that evening, and several of the boys were disorderly, and behaved badly. After the entertainment was over, when the boys were passing out to go to their dormitories, I said to Officer Wheatley I wanted him to detain the boy Collins and the boy Coffee. Mr. Wheatley informed me that he invited those boys to remain at the office, and in giving the order to Collins, he replied that Colonel Shepherd might go to—

Mr. TOMPKINS. A warm place?

WITNESS. Yes, sir. He refused to pass into the office, and went to the dormitory of his chum, as he is called, named Ryan. The officer, seeing what he had done, induced him to come below to the watchman's office. Ryan remained in his dormitory. Mr. Wheatley reported those facts to me, and I put the boy in the lodge. The next morning I went down to the lodge, and tried to have a conversation with him in regard to what he said in response to the order. He sat upon the floor about five minutes, and did not open his mouth. I said he was not going to stay there five minutes longer without some explanation, but he wouldn't say a word. I put him into the cell, and I took the garden-hose and coupled it on to the faucet in the sink, and with that nozzle I wet him down until he was willing to tell me about his conduct the previous afternoon, and what he said, and was ready to make an apology.

Q. How long did that take?

A. A very few minutes. After I had done that, I had his clothing changed, and gave him some hot drink, and put him up-stairs in one of the dormitories, and gave him plenty of bed-clothing.

Q. That is one case. Will you mention another?

A. Another case is—

Q. (By Mr. TOMPKINS.) Allow me one question. Did 24 hours intervene after the offence?

A. No, sir; about 11 or 12 hours.

Q. You were not angry. You did not punish him at once?

A. No, sir.

Q. It was for what he had said on the previous night?

A. Yes, sir.

Q. You took time to consider it?

A. Yes, sir. On another occasion, I punished a boy named Roberts with water. This Roberts is what is considered an incorrigible boy, and I have tried all I could to make him a good boy, but I have failed. He threatened me with using the vessel that is in his cell, and said if I said anything more to him, he would throw it at me. I applied the water on him until he expressed sorrow for what he had said, and promised not to do so in the future. I had his clothing changed, and gave him hot drink, and had him properly provided for. Then there is another case of a boy named Crowley.

Q. (By the CHAIRMAN.) Crowley, did you say?

A. Yes, sir; Crowley was taken out of the first chair-shop for refusing to work, and he was placed in the dormitory. Before placing him in the dormitory, the officer searched him, and found he had a knife and an awl. He took them away from him and locked him up, and soon afterwards Crowley pressed the door open so that he could come out upon the corridor. As the officer was passing out underneath, Crowley took this vessel and threw it at him; and he also took two more vessels, one in each hand, and threatened any officer with violence that might come up there to remove him. I was holding a line of boys, perhaps to the number of one hundred, in the yard. I had deprived them of their dinner until such time as they might apologize to Mr. Bigelow and Mr. Phillips for their disorderly conduct in the dining-hall at breakfast that morning. After I induced those boys to assign an apology to Mr. Phillips and Mr. Bigelow, I let them go into dinner. Then I found four officers standing on the floor, and this boy holding them at bay. I told the officers to step out of the hall and close the door. I went up to the corridor and took the boy and put him into the lodge.

Q. Did you have to use any severity?

A. No, sir; I went up and told him to come down, and he came with me. I made visits to him, and finally induced him to make an apology to the officer, and he did so. While I was gone to see an officer, he made use of violent language to the officer in charge about another officer and about a boy in the next cell. When I went up there, I went to the boy in the next cell, and gave him a piece of paper and a pencil, and asked him to write down just the language that Crowley had made use of. The language written down by the boy corresponded exactly with that given by

the officer. I went to Crowley and said it was no use denying it; I shall not restore you to the privileges of the school; and then I applied the garden-hose to him; and after applying it a few minutes, he signified his intention of apologizing to the officer, and he did so.

Q. Was the boy's clothing on or off?

A. On these occasions the clothing was on.

Q. Will you state how long water was applied to the boy in those cases? You said a few minutes; can you give the time more definitely?

A. I would say from five to fifteen minutes would cover any of those cases I have mentioned.

Q. What month in the year was this?

A. Collins was punished in December, and I think that Crowley's was in the same month. Roberts' was in January.

Q. The boys were in the lodge at that time?

A. Yes, sir.

Q. Well, in your opinion, was it likely that the water itself was so cold that it might have been called a severe method of punishment?

A. No, sir. Boys never complained that it was severe.

Q. In each case, after the use of the water ceased, the boys were taken out and their clothing removed?

A. Yes, sir. Their clothing was removed, and dry clothing substituted.

Q. Dry clothing substituted?

A. Yes, sir. They were given hot drinks.

Q. You have stated three cases. You said there were in all six or seven cases?

A. Yes, sir. Soon after the riot a boy named Langdon and two others named Ryan and Moriarty were confined in the lodge for participating in the riot of January 12, and Moriarty was detained there for trying to get up another riot. They made a great deal of noise one night. I forget just the date; but it was the latter part of January, I think. The watchman in going his rounds was insulted and hooted at, and they kept up their poise at different times during the night, so loud that it could be heard through the sleeping-hall. The boys at that time were very unsettled, and ready for anything that could be done for a disturbance, and I felt that I must do something to prevent a disturbance from taking place. The boy Langdon, and in fact all the boys, had been notified not to make any noise, while the lodge-man had cautioned them, and I had been down there to caution them once or twice. Langdon threatened, that if I came there, he would 'let me have his vessel in the face. I had a large hose coupled on to the hydrant, and the water was let on, and the first boy I applied it to was Langdon. He held the vessel in his hand, and made several attempts to throw it at me. He threw the dipper at me. I finally managed to get the door open, and took the vessel from him. He clinched me, and I tried to hold him, but he managed to get outside of the cell. He seized one of the cell doors, and I tried to get him away, and struck upon his hand to break his hold, but he seized it again. I finally got my arm around his head, and succeeded in getting him away from the door, and then the officer applied the water. In doing

that I got about as much water as he, and perhaps the punishment was as severe to me as it was to him.

Q. Is this boy tall?

A. He is not tall, but stout.

Q. How old were the other cases previously mentioned?

A. They were boys perhaps eighteen years of age.

Q. Were those boys of violent disposition?

A. Yes, sir. I would like to introduce the history of those boys. Langdon and Crowley were very violent.

Q. Had they any special spite against the officer that they had trouble with before you took them in hand?

A. No, sir.

Q. Then, it was the usual insubordinate spirit which they had manifested, and which was breaking out at this time?

A. Yes, sir; Langdon, while in a lower department at night, threw a slate at an officer, and he also threw a book. He tried his best to start a riot in the lower department while the boys were in a riot up-stairs.

Q. Had you at various times talked to those boys, and tried to persuade them by kindness, and induce them to obey the regulations of the school?

A. Yes, sir; I have talked with them, and taken their written promise; and sometimes those promises were made in the presence of the other boys, but they didn't seem to abide by their promise. There didn't seem to be any honor about them.

Q. Are there still more cases by the use of water which you can narrate?

A. I think the other case administered was when Mr. Phillips was present.

Q. There were cases of riotous conduct in the cells?

A. Cahoon's trouble was with one of the officers in the school,—a man named Hayes, who was acting as a substitute teacher. Lamb's case was with Mr. Cummings, an officer; and I think Linkut's case was with Mr. Cummings.

Q. Do you know the longest time that any of these boys were played upon by the hose?

A. So far as it came under my observation, I should think that fifteen minutes were the longest they were played on by the garden-hose.

Q. And what was the shortest time?

A. About three minutes.

Q. Are you quite sure they were not played on much longer than that?

A. Not to my recollection.

Q. It seems to me that twenty minutes or a half-hour was testified to. The CHAIRMAN. What case was that?

Mr. PRESCOTT. The case where one of the boys was whipped and it was testified that the superintendent said he would take his turn.

WITNESS. That was the case that Mr. Phillips had answered.

Q. (By the CHAIRMAN.) Will you tell us of the case where the boys

were played upon in the cell on Sunday? Tell what they were in the cell for, or in the lodge for, and the circumstances.

A. There were several boys in the lodge charged with riotous conduct. One of the boys, Watson, had tried to stab Officer Wheatley, and the other boys had assisted him in the riot by arming themselves with chair-shop awls and knives. There were two other boys down there,—Goss and Turner. They were there for breaking out of their dormitories and escaping from the building. The Saturday night previous to April 2, Dr. Harvey came to the institution and said the boys were using profane and indecent language down in the lodge. I asked him if he knew what section it was in which the boys were using this language, and he said he could not tell. I went down with him to the lodge, and talked with the boys, and advised them not to have any more talk, because I had already spoken to them on a previous occasion, and they would regret it if they continued to use such language and continued to be uneasy. During that Saturday night one of the lady officers was aroused from her sleep because of that noise, and the watchman also reported the noise during the night. I went down to the section and told them if I heard any more of their noise, and had any more trouble with them, they would regret it. Some of them promised to give me no more cause of complaint. Nine o'clock arrived, that being the hour established for services, and Rev. Mr. Esty was conducting the services, I believe; the boys had sang once and he was reading from the Bible. The noise commenced about that time, and it was almost continual during the service, which occupied about an hour. Then rose a real bedlam, shouting, shaking the doors, and it was so outrageous that I considered it required severe punishment. After the services were over I had hose coupled on to the hydrant, and applied the water to the boys.

Q. (By Mr. ALLEN.) How many of them were there?

A. I think there were 8 or 9, I am not sure. It was all one transaction.

Q. (By Mr. SANBORN.) Have you their names?

A. Watson, Fugh, Turner, Crowley, and Goss; that is all I remember, unless there was McPhilan.

Q. The same that has been testified by the other witness, Mr. Clark?

A. Perhaps so.

The examination of Col. Shepherd was suspended to allow Mr. Hyde to ask Mr. Joseph A. Allen some questions.

JOSEPH A. ALLEN—*Recalled.*

Q. (By Mr. HYDE.) When this school was first started, as I understand it was entirely reformatory, was it not so understood?

A. That is as I understood it, sir.

Q. Now, at one time, there was a very large addition to the building, and the school increased in numbers to some five or six hundred?

A. Over six hundred.

Q. Now, there are two phases to the school, as I understand you? You used that term?

A. Yes, sir.

Q. And what were the two phases?

A. In the part that was burned down the larger boys were placed, and in the old building, as it now remains, those smaller boys were placed.

Q. Now, in the larger part that was burned down, where large boys were placed, was that made stronger, the same as the new part now is?

A. I haven't visited the new part; it was much stronger than the other part of the institution.

Q. Was provision made against the escape of the older boys?

A. Yes, sir; the windows were made stronger.

Q. What was the success of the school, after the two parts which had been burned down were run together? How did the thing work?

A. I only know from the officers; I knew some of them who were there.

Q. But we would like your experience.

A. I think it an entire failure.

Q. Then, that experiment of trying to carry on two institutions under one head, was an entire failure?

A. Yes, sir; I remember when the news of the fire came from West-borough to Boston, that a gentleman said the school had been a failure.

Q. (By Mr. WASHBURN.) Who said this?

A. A gentleman in Boston, in the Merchants' Exchange. He said the great Reform School was in flames, and they all said amen, and none objected.

Q. (By Mr. HYDE.) You were there many years after this, and, as you understand, that was one of the reasons no attempt was made to rebuild that part?

A. I presume so. The trust houses were established. I started the trust houses, and classifications were intended to be made in that way.

Q. (By Mr. WASHBURN.) Then, Mr. Allen, the argument to be drawn from that, or the conclusion from that which would be left on my mind as to your impression is, that this new building, that is supposed to be a remedy, is not going to be a remedy at all?

A. I never thought it would, sir.

Q. It is simply re-establishing an experiment that failed before?

A. As I understand it.

Q. That is quite important, so far as your opinion goes.

A. I had an officer under me who was under both systems, and was in the large building before I was very familiar with it.

Q. (By Mr. S. B. ALLEN.) You think a reformatory institution should be entirely separate and distinct from a penal institution?

A. I think so.

Q. And that both should not be under one management?

A. It seems to me not.

Q. (By Mr. WASHBURN.) Have you read a paper that was submitted at a recent meeting by the trustees to this Committee?

A. I have only seen, perhaps, a short notice of it in the "Herald," I think.

Q. Can we gain anything by the plan of reducing the ages again, and

limiting the term of sentence to 18, as is suggested in that paper, instead of letting them run through their minority?

A. I think the term of sentence to the Reform School had better be reduced to 14, as it was when I was there.

Q. As I remember it, when you were there, they sentenced a boy through his minority.

A. No, sir. In the early part of the institution, they had an alternative sentence, and as boys had been very troublesome, they would send them to the house of correction, having an alternative sentence.

Q. (By Mr. SANBORN.) That was why they acted badly?

A. Yes, sir; and many boys would act badly for the sake of getting a year at the house of correction, instead of staying at the Reform School till they were 21.

Q. (By Mr. WASHBURN.) Are you an advocate of changing the sentences from during minority to an age not exceeding 18?

A. I should like to think about that some time. I think this question is a delicate one.

Q. (By Mr. SANBORN.) Perhaps I can bring out what Mr. Washburn wants. I suppose Mr. Allen, having been there, is in the habit of looking at the sentence during minority as the best.

A. Yes, sir.

Q. Would you sentence a boy there to remain to an age to be fixed by the trustees?

A. Yes, sir.

Mr. HYDE. Mr. Sanborn made a statement to me this morning with regard to the institution and the additions made, which struck me with a great deal of force. I suppose it is a part of the plan of this addition to divide the institution into two classes. One penal, and the other reformatory, and that there will be constant promotion from those classes into the trust houses. Then, if a boy behaves badly in the trust houses, he is remanded back again into the institution. Now, when you have that system there, you have got a direct communication through, from the penal institution to the other, and the bad influences which go there can pass through from one into the other, and, that while there would seem to be a separation, the separation cannot really exist. Those evil influences will be continually passing through one of the most beneficent parts of the institution—the trust houses,—if the institution is allowed to go on as last Legislature provided.

Mr. SANBORN. The only way it can be avoided is to have separate trust houses for each grade.

Mr. WASHBURN. I think we have been breathing a pure and pleasant air for the last day or two, and I feel glad of the opportunity the Committee have had to hear from Mr. Allen and Mr. Ayres, things that look to a philosophical answer to the question we are inquiring into, and that is, How can we make this institution what it ought to be in Massachusetts? Therefore I hoped that the hearing of these gentlemen may continue a little longer, but I defer to the general feeling of the Committee, and therefore may have to adjourn.

Adjourned till Tuesday at 9½ A. M.

THIRTEENTH HEARING.

TUESDAY, April 17, 1877.

Senator DENNY in the chair.

The CHAIRMAN. Mr. Shepherd, we will continue your examination.

A. G. SHEPHERD—*Continued.*

Q. (By the CHAIRMAN.) Do you have frequent consultations with your officers?

A. Yes, sir.

Q. For what purpose do you consult with them?

A. According to the best mode of managing the boys, and the methods which ought to be adopted to bring about the best results.

Q. And to advise them, and advise with them?

A. And advise with them, and get their opinions in regard to the conduct of the boys, and the institution generally.

Q. To what extent do you deem it expedient to follow their advice?

A. In their reports of the conduct of certain boys, they state the nature of the offences they commit; and I advise with them as to the best method of getting along with them, with a view of improving their conduct.

Q. Well, do the officers punish boys without first advising with you?

A. Yes, sir.

Q. What are your instructions respecting the disciplining of boys?

A. To labor with the boy; reason with him; point out the right way; and use all the efforts possible to convince him that it would be for his interest to do right and obey the rules of the school.

Q. Is that course always pursued before the boy is punished?

A. So far as I know of, unless it might be that a boy had been previously admonished in regard to certain things, and he had repeated the offence.

Q. Well, are boys always admonished previous to punishment; either just previous or some time previous, whatever the nature of the offence committed?

A. So far as my knowledge extends, that is the case.

Q. Is it your intention that shall always be the case?

A. Yes, sir.

Q. What mild form of punishment may be resorted to before you resort to corporal punishment?

A. Deprivation of play during play hours; placing on the centre-table, or at the centre-table during meal hours, either by giving half rations or bread and water. Sometimes a boy is marked down in the

deportment book. It depends upon where the offence was committed,—whether in the school, the workshop, play-yard or sleeping-hall.

Q. Well, is corporal punishment, perhaps without these mild forms, ever resorted to first?

A. I don't think it is, sir.

Q. Well, is it your instruction and your advice to your officers always to resort to these milder forms before adopting the severe forms?

A. Yes, sir; my instruction to the officers is to caution the boy. In fact, every boy, before he passes from the office, is made acquainted with the rules, and is instructed fully what will be expected of him while he is an inmate of the institution.

Q. Well, suppose, now, that soon after that, a boy in the school disobeys some of these instructions, would the teacher or officer be justified, in your opinion, in resorting to corporal punishment?

A. Not unless it was a case of assault, or something of that nature. But in case of an ordinary offence, I should consider it the duty of the officer to begin to talk to the boy.

Q. When you advise with the officers, and consult with them respecting the conduct of the boys, do they resort to these punishments previous to advising with you?

A. No, sir; these consultations that are held with the officers, are in regard to the improvement of certain boys. Those that are caught swearing, fighting, and doing other offences, I feel it my duty, and the duty of the officers, to deal with, so as to remove those habits. If these habits are not removed, no reformation can follow. In other words, before a boy can be improved at the school, all those bad habits he had before coming there must be unwound, and others substituted, before he can be improved.

Q. Previous to corporal punishment, do you always talk with the boy?

A. Yes, sir; with a view to convince him of his guilt or error.

Q. So far as you know, do your officers do the same?

A. I have every reason to believe so, because, in many cases, the officers have thought that I bore with them too long; that I gave them too many chances, because they had repeated these offences, and it did not do any good to be so lenient with a certain class of boys.

Q. What we would like to get at, would be, what persuasion and advice is given a boy before you resort to special measures?

A. I would talk with the boy and inform him of his wrong; and tell him that if he persisted in it he must expect to be punished, because if we should overlook certain offences, other boys would take license from it, and it would very much injure the discipline of the school.

Q. Is corporal punishment resorted to after continued efforts by other methods have been used to enforce obedience to the rules?

A. Yes, sir; so far as I remember.

Q. Has your instructions to your officers been quite specific in reference to that; that they must proceed to use the milder forms of punishment before they resort to corporal punishment?

A. Yes, sir; that has been my wish, that corporal punishment, and

other punishments, such as the box and the lodge, should be the last resort.

Q. Well, do you state, then, that a boy is not, as far as you know, and not from your desire, punished by the strap, lodge or box, until he has been labored with to produce good conduct, or until some milder form of punishment has been used?

A. Yes, sir; the most of the punishments inflicted at the schools are for a series of offences.

WITNESS. I would like to make a statement, or call your attention to a change in the laws relating to juvenile offenders from 1869 to 1872.

The CHAIRMAN. We would be happy to hear what you have to say.

WITNESS. In 1869, the visiting agency of the Board of state charities was established, and it was made the duty of the visiting agent to attend the trial of all juvenile offenders. The law was so made that a minor could not be tried until this agent was notified. After receiving the notice, he made it his duty to inquire into the circumstances of the case, ascertain the condition of the home, and when the boy came up for trial the agent was prepared to make such recommendations to the court as in his opinion would be beneficial to the future good of the boy. Sometimes the boy was placed on probation, sometimes he was committed to the custody of the board of state charities, with the alternative that if he should become unmanageable while in their custody, he should be at once transferred to the Reform School. In 1872, the almshouse and the state primary school were substituted, and many of the boys who previous to that time were sent to Westborough, were sent to Monson.

Q. (By Mr. HYDE.) Up to what age do they go to Monson?

Mr. GILBERT. Until they are 16.

WITNESS. They cannot be held in the institution at Monson beyond the age of 16.

Mr. GILBERT. From 3 to 16?

WITNESS. They can be transferred from Monson to Westborough when they become unmanageable.

Q. (By Mr. HYDE.) By whom?

A. By the board of state charities.

WITNESS. That same year the remaining school ship was discontinued, and the boys from that ship were transferred to Westborough, and the age at which they might be committed was extended from 14 to 17. Taking these reasons, the workings of the visiting agency, the change in the institution at Monson, and the extension of the age at which boys might be sent to the school at Westborough, a different set or class of boys had been sent there previous to that time.

Q. (By Mr. SANBORN.) What time do you fix as that date?

A. Eighteen hundred seventy-two.

WITNESS. The workings of the visiting agency in attending courts resulted in sending the milder class of boys to Monson. The other class, that cannot be disposed of, are sent to Westborough. To say that all the bad boys that have been at Westborough for the past five years came from the school ship, would not be true, because there are a large

number of boys at the school who are considered bad that were never in the school ship. A good boy works himself out of the school, and a bad boy remains.

Q. (By Mr. SANDERSON.) That class of boys would undoubtedly have been sent to the school ship, if it had been in existence ?

A. Yes, sir.

WITNESS. Several boys who have been released on probation were of such a character that they had to be returned to the school at Westborough. Many of these boys, when they returned to the school, felt that they would have to remain until they were 21. Their conduct was not as good as that of a boy who was committed for the first time. Take the case of one who has been mentioned quite often in this investigation, the boy Turner. He had been released from the school in 1873, and in 1875, in the month of August, I think, at the request of his mother, he was returned to Westborough. On his arrival at the school, it was found that he had a venereal disease, and it was not considered proper to put him in the hospital, where the nurse was a female; and desiring to conceal his condition from the inmates, he was confined in the lodge. A physician was notified, and he was treated accordingly. While confined in the lodge, he obtained possession of a meat saw, and sawed off the fastenings to his cell; he passed to the cell of another and liberated a second by sawing off the fastenings to that cell, and the two together, having the freedom of the open room, went to a third cell. That was about 12 o'clock at night; just then the superintendent put in an appearance and secured the two boys. In the month of January following August, 1875, this same Turner, with others, entered into a plot to seize Mr. Rice, the teacher. They provided themselves with straps to tie him, and proposed to obtain his keys and pass out of the institution by going through the laundry door. They were caught before they had sufficient opportunity to seize Mr. Rice. That was in the month of January. In the month of March following, this same Turner, with a boy named Goss, broke out of the dormitory, where they were detained for some offence, got through the ventilator, and managed to get over the roof and escape from the institution. He was afterwards captured and returned. He was placed in the lodge, and application was made for the transfer of him and a number of other boys to Bridgewater. Application was made to the board of state charities, but the boys remained in the lodge some time before the board took action. He was finally transferred with others to Bridgewater, and from there he escaped. I remember the case of another boy named McDermott, who was released on probation to fill a place, and before he had remained a great while he ran away. He was arrested and brought back to the school, was found in a diseased condition, placed in the lodge, and treated by the doctor. There was still another case, that of a boy named Sturtevant. He was released from the school in May, 1873, and in 1875 his conduct was such that he was arrested and brought back to the school. The officer who made the arrest informed me that this Sturtevant was the manager of a disorderly house, and on the night previous to the arrest had received a cut on his head while defending one of the inmates of his house. The boy made a

similar statement, and said it was true. Application was made for his transfer to Bridgewater; but his stay at Bridgewater was of short duration.

Q. (By the CHAIRMAN.) Did he run away from Bridgewater?

A. Yes, sir.

WITNESS. I wish to state that in the early part of 1873, I find by the records that several boys were transferred to Bridgewater. They escaped, and so the board of trustees thought that the transfer to Bridgewater was a premium for bad conduct. In regard to those boys that remained so long in the lodge at the time of the disturbance of the religious services, an application had been in the hands of the board of state charities for some time, and it was no fault of the trustees that they were not transferred. It was at that time that some members of the state charities were against boys being sent there, on the ground that the Bridgewater institution was insecure. Senator Belcher, the inspector of the workhouse at Bridgewater, very pleasantly, but firmly, wished me not to send any boys there; he said they were going to have improvements at Westborough, and we could do better for them than they could. We were in hopes of occupying the enlargement of the building as early as last November, but it has not been occupied up to the present time.

Q. (By the CHAIRMAN.) I would like to ask you the nature of the circumstances under which boys have been detained in the lodge for a prolonged time, say several weeks. Will you now mention particular cases, and the reasons for which boys were detained there?

A. I have in mind the case of Moriarty. On the 14th of January, this year, he, with others, engaged in a plot to make a disturbance in the dining-hall, similar to that of January 12. I was informed of his intention, and I placed him in the lodge. While in the lodge he made an attempt to gain his freedom. I wish to separate this case from that of Garrity, because we had a great many schemes about that time, or soon after the first riot, to make trouble. Moriarty was a boy who was transferred from the Plummer School at Salem. He was an inmate of that school; he was complained of for bad conduct, and was sent to the school at Westborough. I deemed it a proper thing, and a judicious thing, to put him in the lodge and separate him from the others. I think there are now 30 boys in the school at Westborough, that ought to be immediately removed. They are ready to start a riot at any moment, when a leader is ready to lead them on. If you will allow me to state, in this connection, concerning the material at the Westborough school, I will say that in 1874 there were 116 boys in the school that had been inmates of other institutions. So that, if these other institutions could have done any good for the boys, they would probably not have been sent to Westborough. The school has been the stopping-place between local reformatories and the house of correction.

Q. (By Mr. GILBERT.) To what institution do you particularly refer?

A. Twenty-nine had been in the state primary school at Monson; 27 in the Boston reformatory at Deer Island; 17 in the school ship; 12 in the house of the angel guardian; the truant schools of Worcester, Salem,

New Bedford, and Lowell were represented by 27; and one each from the Connecticut, Maine, New Hampshire, and Providence reform schools.

Q. The whole amounting to 116?

A. Yes, sir.

Q. That was in the year 1874?

A. Yes, sir. That was made from the reports to make up the report for September, 1874. From that, some idea may be gained of the material that is sent to Westborough to which it is intended to apply Reform School discipline.

Q. (By the CHAIRMAN.) Now, previous to the 12th of January riot, can you call to mind instances of boys having been kept in the lodge a series of weeks? If so, please inform the Committee for what reason they were kept there such a prolonged time?

A. Well, one of the boys I have in mind now, might have been Moriarty. He was a boy that was not willing to work or to do right. His influence was bad upon the others, and I heard him say that he was not going to do any work before Christmas; it was then in the early part of December. He took an oath that he would not do any work before Christmas; so that to him the lodge was a place of ease. I cannot name any particular boys now, but it has come to my notice, that sometimes boys would do certain things, in order that they could be sent down there two or three together, to make company for each other.

Q. Is there any boy in the lodge at this moment that has been there a number of weeks?

A. There was a boy named Moriarty in the lodge from January 12 until last Friday.

Q. Is this the same Moriarty?

A. Yes, sir; he has been in the lodge perhaps eight times since he has been in the institution.

Q. For what reason was he continued in the lodge this time?

A. Because he was deemed an unfit boy to have with the others. While he was detained in the lodge he made an attempt to dig out of his cell, and insulted the officer whose duty it was to take care of lodge-boys. He had also been abusive to the assistant superintendent. Last Thursday or Friday night he made a promise that, if I would give him one more chance, I should not have any cause to complain. I accepted his promise and released him, but I will say that on previous occasions I have accepted his promises, and I have also received written promises from him, but he does not keep them.

Q. Did you, during those weeks he has been confined in the lodge, frequently reason with him and expostulate with him about his bad conduct?

A. Yes, sir. He is very surly, and I never noticed any penitence in him until last Thursday or Friday night, I am not sure which. The officer in charge of the Plummer School at Salem, sending his history to Westborough, said that he would fetch up at the state prison. I believe his opinion is right, or will prove right.

Q. May I inquire if that is the boy that had refused to make an apology before the school?

A. He, with others, had been told, that when they apologized to the school, they would be released. He was not the only one that was told so.

Q. But he had been told, that when he would make an apology to the school, he could be released?

A. Yes, sir.

Q. And he had continued to refuse to do that?

A. He had never said anything to me about it until the night in question. I let him go into the school, and he made an apology in my presence.

Q. Do you remember a boy by the name of Edward Burns who was in the institution?

A. Yes, sir.

Q. Did you hear Burns testify before the Committee the other day?

A. I did, sir.

Q. I have this testimony before me; it is on the 202d page. Edward Burns testified that you whipped him, with nothing but his shirt on, with a round trace. What we want to know is the circumstances and offence of this punishment, if you know the punishment to which I refer?

A. I think, in 1875, the boys were assembled in the chapel; it was on a Friday night, if I remember rightly; I was making arrangements for their play on the following Saturday afternoon. I gave them their choice, whether to parade with the drum-corps and go down to the lake and have a bath, or go out into the open field and witness a game of base-ball; but at the same time, those boys in the low grades could not go. Burns was occupying a seat perhaps about 40 feet from where I stood. I heard some one make use of the expression, "You can go to hell." I suspected Burns of saying it, and I waited until after the boys had passed out, and I called two or three of them into the watchman's office and asked them about it, and they said it was Burns. Burns had retired at that time. I went to his dormitory, and took him down into the entry, and asked him about what he said. I accused him of making use of that language, and he denied it. I reasoned with him, and told him it would be better for him to own up and tell the truth. But he persisted in lying, and I told him I was satisfied from what I heard of his movements, and from those boys, that he was guilty.

Q. Guilty of using the language?

A. Yes, sir; but he persisted in denying it, and was impudent, saucy, and defiant. I took a strap and was going to whip him.

Q. What kind of a strap was it?

A. I have it here, sir. [Presenting it.] It is a piece of a check-rein. I attempted to whip him, and he struck at me. I pressed him back, and he was struggling to get at me. I whipped him on the shoulders and on the legs. He finally owned up that he made use of the expression.

Q. Did he own up at that time?

A. Yes, sir. I told him he might go up, and I would see him in the morning for lying to me. The next morning I called him into the entry and spoke with him, and had perhaps five minutes' conversation. He admitted that he had done wrong, and I told him that as punishment for

lying I would give him a few blows upon the hand, which I did. The boy went away, and seemed perfectly satisfied, realizing that he had done wrong.

Q. How long was this punishment, the night before, that you refer to? The boy says: "I was punished as long as he could whip me, and I refused to say that I did it; and in the morning he licked me till I told him I did it."

A. He admitted his guilt that night. I perhaps struck the boy 20 or 25 blows.

Q. With that strap?

A. Yes, sir.

Q. What clothing did you say the boy had on at the time?

A. He had nothing on but his shirt.

Q. Had this boy, previous to this offence, been punished?

A. I think he had been in the lodge, and punished perhaps otherwise. He was a very bad boy. He, with a boy named George Gray, better known to the Boston police as the English pickpocket, made their escape through the roof. He had also made another attempt to escape, by picking the lock in the cellar underneath the bake-house.

Q. Do you know the circumstances and offence of the boy Gartland; the punishment, and his suicide?

A. The boy Gartland had some trouble with Mr. Rice in the school-room, and it was reported to me by Mr. Rice about 15 minutes after it occurred. He wanted my advice in regard to what he could do with Gartland.

Q. Well, what was it? I would like to have you particular. What was reported to you?

A. Well, Mr. Rice reported that he used very violent, profane and abusive language, and that he threw a book at the teacher. It might have been a slate, but I am not sure whether it was a book or a slate. Mr. Rice remained in his seat during the time the boy engaged in this profane and violent language. When the time arrived for the school to be dismissed, the boys passed out into the yard. Mr. Rice took this boy, Gartland and placed him in a dormitory, and then informed me. Mr. Rice was of the opinion that the boy was not in proper condition to punish, and he would lock him up until he could reason with him. I saw the boy the next afternoon,—Saturday afternoon,—in the bath-room. I assisted in bathing the boys, and Mr. Rice came into the bath-room and said he would like to have us leave Gartland with him while the others passed out. The other boys passed out of the bath-room and were conducted to the lodge. That was the last time I saw Gartland until after his death. Mr. Rice informed me that he had strapped the boy for the offence committed in the school-room.

Q. Did he tell you where he strapped him?

A. On the hand.

Q. Had you had trouble with Gartland previous to this trouble with Mr. Rice?

A. Well, he had been a passionate boy, and I had promoted him to the Garden House. His conduct was such that the master returned him

again to the building. I again promoted him to the Peters House, and while there he ran away. He was subsequently arrested in Charlestown by Officer Knox, and returned to the main building.

Q. (By Mr. HYDE.) Was he punished, when he returned, for that?

A. I think he was punished by being placed in the lodge. He was a deformed boy, and I did not think any officer would attempt to punish him on any place except on the hand. I never knew he was punished by any other method.

Q. (By Mr. SANBORN.) Is there any record of the punishment of Gartland?

A. No, sir.

Q. Was there any on the punishment blanks by Mr. Rice? When he was previously punished, was there any record?

A. Only what you find on the great book by commitment in the lodge.

Q. (By Mr. HYDE.) Was he whipped after he ran away and came back, as far as you know?

A. Not that I know of. If he had been, it would probably have been by the superintendent.

Q. Do you know anything more about the Watson case than we have already had?

A. Yes, sir. Watson was one of those boys who had been released on probation, and his conduct was very bad outside. He was arrested for stealing and sent back to the institution. On his return to the school he behaved very badly, and he with others seemed to me to be planning mischief; and I gave officer Wheatley instructions to separate certain boys in the yard,—Feeley, Watson and others,—because he seemed to be the leader among the other boys. After the trouble between him and Mr. Wheatley, I visited the boy Watson in the lodge, and had a conversation with him. I notified Dr. Harvey that the boy said he had a bad cold, and he came up and attended him. I gave him a mattress to sleep upon, and provided him with a sufficient quantity of bed-clothing. He talked to me freely about his trouble with Mr. Wheatley. He gave the knowledge that he spoke with one of these boys after he had been told not to. When the line paraded for dinner, on the day that the assault took place, Watson paraded with the line, and went into the workshop, and there obtained an awl, and afterwards reported in the office.

Q. (By Mr. SANBORN.) Do you derive this from his statements?

A. Yes, sir; when he met Mr. Wheatley he had that awl in his pocket. He acknowledged to me that he did not wish Mr. Wheatley to punish him, and that he was going to defend himself. Hearing that the boys in the yard had got the story different from what Watson had told it to me, I took two boys down in the lodge, one named McDermott and the other named Madigan, and he stated to them, or in their presence, as I have stated it, that he armed himself with the awl before Mr. Wheatley punished him.

Q. (By the CHAIRMAN.) You say, that in your presence, he told this?

A. Yes, sir.

Q. Now, I want you to tell us about the Fitz-Gibbons affair.

A. In relation to the Fitz-Gibbons case, I was in the office of the superintendent, and I heard a noise. I went in the direction of the noise by passing down-stairs, and found two boys, named Higgins and McDermott, at the foot of the stairs, and they told me there was trouble in the dining-hall. I was met by Mrs. Moore, who presented a very pitiful appearance. Her hair was hanging down over her shoulders, her clothing was somewhat torn, and there was blood on her face. She pointed to Fitz-Gibbons, saying, "He did it; he did it." At the same time Mr. Chase had a boy named John Jones. I started out of the dining-hall with Fitz-Gibbons, and Jones followed along. Jones said, "Don't blame me, Fitz-Gibbons did it. He wanted to get away the keys," and, said he, "I have got the keys; I did not want him to get them." I took Fitz-Gibbons up into the office and talked with him about the affair. He admitted seizing Mrs. Moore, bearing her down to the floor and placing the towel in her mouth while Jones took the keys out of her pocket. I considered it a very serious offence, and knowing that an attempt was made on a lady officer two months before that time, to take away her keys, I thought that something must be done. I took Fitz-Gibbons into the office, as I have stated, and punished him on the back and legs with a strap. I gave him what I considered a good whipping.

Q. (By Mr. SANBORN.) With what?

A. With a strap.

Q. Like which one of these?

A. Like the flat strap.

Q. (By the CHAIRMAN.) Whether that was the first and only punishment he received for that offence?

A. That was the only time he was strapped in the institution for that offence.

Q. (By Mr. SANBORN.) Was there any record?

A. No, sir, I do not make any. I have never made any record of my own punishments.

Q. (By Mr. HYDE.) State a little more definitely about that punishment?

A. I do not know exactly the number of blows I gave him. It might have been from 30 to 40; I am not quite sure.

Q. (By Mr. SANBORN.) Could it have been 42?

A. Well, it might have been, but I would not swear to it.

Q. (By the CHAIRMAN.) Well, you say that was the only time he was punished for that offence?

A. Except when he was sent to the house of correction. I wish to explain that. At that time, I did not know from the statement of Fitz-Gibbons, nor from Jones's statement, nor anybody's else, that Jones was implicated. But Jones confessed to me the next morning. I sent a letter to the executive committee of the board of trustees, and they directed me to enter a complaint against these boys in the superior court. I entered the complaint; they were indicted, and brought before the court. Fitz-Gibbons pleaded guilty, and Jones not guilty. Fitz-Gibbons received a sentence of six months in the house of correction, and Jones eighteen months. Jones, afterwards, while in the house of correction, attempted

to stab one of the officers there, and was again brought before the court, and sentenced an additional eighteen months.

Q. My question was, or I intended it should be, whether the boy was flogged a second time for that offence, by you or by anybody else, that you know of?

A. No, sir; I do not think any person in the institution would interfere with my case; I have never known any such thing. I considered that the boy was in my hands, and no officer had a right, or would take the right, to manage him out of my hands.

Q. (By Mr. SANBORN.) Might it not occur without your knowing it?

A. No, sir.

Q. Do you mean to say you know every punishment which is inflicted by every one of your officers?

A. I mean to say, that when I take a case in hand, I do not think there is any officer in the institution, who is there now, that would dare to interfere with it.

Q. Why not?

A. It would not be reasonable.

The CHAIRMAN. Please let him go on, Mr. Sanborn.

Q. When we left off on Saturday, I think you had not got through telling us about the occasions of punishment which you had administered by the use of water. I would like to have you take them up and finish them.

A. Shall I take the cases where the boys disturbed the religious service?

Q. No, sir; that is not necessary. I think you told us all about that.

A. Yes, sir; I think I told you of all the other cases,—Crowley, Roberts, Ludden, Moriarty, Ryan and Collins.

Q. I think you told us that the time of administering the water was somewhere from 6 to 15 minutes.

A. There was a small pipe I testified to, which throws quite a small stream.

Q. What were the instances where you used the larger pipe?

A. It was in the cases of Ryan, Ludden and Moriarty. Ryan was one of the ringleaders of the riot of January 12; Ludden was also in the riot. He had thrown four bowls in the dining-hall and a slate in the school-room. From January 12 to January 22 the boys in the lodge had been uneasy and disorderly; but I had talked with them on several occasions, and had done something to stop their noise. I think on the night of January 21, the watchman in passing through the lodge to make his inspection, was insulted and hooted at by these fellows, and the noise was so great that it could be distinctly heard in the sleeping-hall. Langdon made a threat that if any person called him to account for it he would throw his vessel at him. At that time the boys in the school were in an excited state, and had to be managed very carefully; one act of misrule would, perhaps, set the school into another riot. I thought they ought to be punished, inasmuch as they had been repeatedly spoken to and cautioned against making a noise. So I had the hose coupled on to the hydrant and administered water to these three boys until they said they

were sorry for what they had done, and promised to behave themselves after that.

Q. That with the large nozzle ?

A. Yes, sir ; the distance from the steam mill is 400 feet, and the length of the hose was 300 feet. It had to run through several rooms, so that they did not get the full force of the water that there would have been if the hose had been in a straight line.

Q. Now, with what force does the water come from that hose in the way you administered it ?

A. It is what I should consider a powerful stream. I do not know what distance it would play under those circumstances, but I will say I got almost as much water upon myself as I did upon Langdon. They had their clothing on, and I had mine. I suffered no bad effects from it, and I know they did not. There has not been a case in the institution where anybody has suffered by having water applied to him. There was no case reported at the hospital, and every precaution was taken against it by giving hot drinks and a change of clothing.

Q. In your opinion, is it absolutely necessary to maintain discipline in the institution ; and, as things are to-day, with the boys that are there, can it be maintained without the use of corporal punishment ?

A. As they are now, it is necessary, for this reason. All these boys mingle together in the same yard. If they were separated, they could have, perhaps, what we call something near house of correction discipline. That is the kind of discipline that was intended for the occupants of the new part. I do not understand it to be the intention of the trustees to have corporal punishment in the new part. The boys will have to work a greater number of hours. As it is now, they have to work five and three-quarters hours per day. These boys will be strong, and will be required to do more work, and it will be easier to manage them. I should not expect any trouble with the rules that might be made for their government ; but being there upon the premises, I can see the influence that these incorrigible boys have upon the others. Sometimes they do not take a leading part themselves, but they would prepare these plans for the other class to execute, while they keep in the background, and sometimes avoid punishment.

Q. Don't you think it is practicable to have all corporal punishments administered by yourself, and never by a subordinate ?

A. Well, with the number of boys we have at Westborough, it would take the superintendent about all his time to investigate the daily cases we have. In the first place, those boys of the trust houses—if they committed an offence it must be brought into the main building. I would have to hear the story of both, and have what you might call a little court. The investigation of these cases takes considerable time, and the superintendent would not have time to attend to any other business.

Q. Well, is there any other objection in your mind ?

A. I would make this condition : that the assistant superintendent might administer the punishments. That would give the superintendent time to attend to his regular duties, which are of some importance.

Q. Do you think it should be limited to these two officers ?

A. Yes, sir; it is now.

Q. How is that?

A. The punishments of the school have been under the consideration of the trustees for some time. On the first day of March, I gave notice to the officers that they must not inflict corporal punishment, but they might make their complaints on blanks which would be furnished, and send the boys and the complaint to the office for the information of the superintendent or the assistant superintendent. I thought it might be well to try that plan, so that the trustees might see the workings of it. It would, perhaps, satisfy the public also.

Q. (By Mr. SANBORN.) Did you suggest it to the trustees?

A. Well, I do not know whether I said anything to Dr. Harvey or not. I am not positive; but in consultation with the officers, I told them I thought it would be advisable, and I would like to try it.

Q. (By the CHAIRMAN.) Now, what has been the effect of the change, so far? How has it worked?

A. I cannot tell at present, because, since the first investigation and the second investigation, the boys have not been under such good discipline as previously. I do not claim, to-day, that the school is under such good discipline as it was a year ago.

Q. When you speak of not being under as good discipline, do you mean to say there is more disorder in the school?

A. Yes, sir; the boys are more defiant. The officers in charge of the dining-hall report that the boys are inclined to be disorderly, and the murmuring in school remains. I wish to state, that if you will look at the punishments in the month of February, following the riot, you will see a falling off in the cases of corporal punishment. I think the records will bear me out in that statement, and I account for it in this way: that the bad element in the institution was locked up. The boys who were considered bad boys, and who were not sent to Worcester, were locked up, and their removal from the other boys produced a very good effect.

Q. How long were they kept locked up?

A. About three weeks. Some boys were released every day, when they gave satisfactory evidence that they did not intend to violate the rules of the school.

Q. Was the matter of corporal punishment talked over freely between you and the trustees of the institution?

A. Yes, sir.

Q. At different times?

A. Yes, sir.

Q. Have these men advised abandoning it altogether?

A. Well, I have heard some members of the board say that they would like to see corporal punishment abolished, if it could be done, and maintain discipline; while others said that, in their experience, it had been tried in the institution, and they found it impossible to get along without it.

Q. (By Mr. SANBORN.) Can you specify the trustees?

A. Well, the trustees will probably be called upon, and I ought not

to sit in judgment upon them. They are my superior officers, and I ought not to be required to sit in judgment upon them.

Q. (By the CHAIRMAN.) Have the trustees ever voted outright upon the matter of punishments in the institution?

A. Not since I have been there.

Q. Then you have never received instructions from the trustees to abandon corporal punishment?

A. No, sir.

Q. Have you ever received instructions from them to discontinue the box?

A. No, sir.

Q. Or the lodge, or the use of cold water as a punishment?

A. No, sir.

Q. Then, so far as these punishments were established by you, they were established, not in opposition to the wishes of the trustees?

A. No, sir; I acted upon my own best judgment with those cases that came under my notice.

Q. You have been supported by the trustees in the course you have pursued in all this discipline?

A. Yes, sir.

Q. So far as you know, have your subordinate officers acted in accordance with your wishes?

A. Yes, sir; I think, as a general thing, they desired to support me, and do the best they could under the circumstances.

Q. Have any of your subordinate officers you can call to mind acted contrary to your judgment in the matter of discipline, whether too severe or too lenient?

A. I have had no case of severe discipline come to my notice, other than that of Rawson.

Q. Well, have any of them been lax in their discipline?

Mr. SANBORN. I would like to know whether this covers the whole time of Mr. Shepherd's service.

The CHAIRMAN. I will put it not quite so broad as that. He did state here, last week, that there were several cases,—three cases of too severe punishment by the officers of whom he discharged.

Mr. SANBORN. Yes, but he does not fix the dates.

Q. (By the CHAIRMAN.) You did state, I think, three cases in which officers had been discharged for punishing boys too severely. Can you fix those dates?

A. Well, one was in 1873.

Q. (By Mr. SANBORN.) Which was that?

A. The case of Edward Juno. I think the case of the lady was in 1875; and the case of Marsh, which was in the latter part of 1876.

Q. (By the CHAIRMAN.) Now, have there been cases where you have reprimanded officers or admonished them for being too severe in their treatment of boys?

A. On one occasion there was a boy named Bevins, who spoke to me about a little trouble he had with Mr. Bigelow. He said that Mr. Bigelow had struck him. I told the boy I would see Mr. Bigelow, and have the

matter decided to his satisfaction. I went to see Mr. Bigelow, and he said he did not strike the boy, but pushed him while he was in the closet. The boy refused to go in when he ordered him to, and he pushed him what he should call pretty hard, but he did not consider it a blow. The boy seemed satisfied with the action I took in the matter, and never called it up after that time.

Q. If a boy complains to you that he had, in his opinion, been harshly treated, is it your practice to look into that case and take notice of it?

A. Yes, sir; I do not remember of any case where a boy has made complaint to me against an officer, where I have not given the boy the satisfaction he desired.

Q. It is your intention, then, to give the fullest attention to complaints of that character?

A. Yes, sir.

Q. Have you had occasion to report to the trustees inefficiency on the part of the officers?

A. Yes, sir.

Q. When was that?

A. In my quarterly report, July 1, 1876, I referred to Mr. Hinckley, the master of the trust house, as follows:—

“He does not seem to be successful in the management of his department. He relies, to a great extent, upon the judgment of the boys. The monitor is entitled to the credit of doing a large share of the planting and other work. The flower-pots in the yard of the institution never looked as shabby as they do now. The money expended on the coal for heating the conservatory has not yielded a suitable return. There seems to be a continual run of company at the Peters House, and unless it is checked, the effect will be about as blighting to the other houses.”

Q. What action was taken by the trustees on that report?

A. If I had the record-book I could tell. I believe that matter was referred to Mr. Hubbard, the chairman, by the board of trustees.

Q. (By Mr. SANBORN.) I suppose any action they took would appear on the records?

A. I fear I left the book in the cars.

Q. If the record is not here, you can tell what the result was?

A. I do not know what Mr. Hubbard may have said to Mr. Hinckley.

Q. I do not care so much about that, but what the result was?

A. Well, one occasion Mr. Deblois and Mr. Swett waited upon Mr. Hinckley, and recommended a transfer from the Peters House to the Farm House. Mr. Hinckley stated to me, if he had an opportunity, he could do better the second year than he did the first, and as I was instrumental in getting Mr. Hinckley there, I felt I would like to see him get another chance.

Q. (By the CHAIRMAN.) What was the difference between the Peters House and the Farm House, that if he could do well in one he could not in the other?

A. The work of the master of the Peters House is more difficult. He has to take charge of the shrubbery, the grapery, the flower-beds; and

in fact, the work is a little more difficult than that at the Farm House. The work at the Farm House is plain work.

Q. Well, so far as the management of the boys is concerned, is it any different in one than in the other?

A. No, sir.

Q. In your report to the trustees, do you refer to his management of the boys, or was it with reference to the management of the grounds?

A. It was about what I considered a neglect of duty from incompetency and inefficiency.

Q. Both in regard to the boys and in regard to the farm?

A. The care of the farm, and the fact that he allowed his boys to go some distance from the school under a monitor. The result was, that complaints were made to me that the boys there smoked pipes, swore, overloaded the horse, and were disorderly generally.

Q. Did you ever speak to Mr. Hinckley yourself?

A. On one occasion I went to him, namely: he was then sitting in the Peters House yard, and I asked him where his boys were. He said some were over on the plains and the others in the house, if I remember rightly. I left him. The next day I went there and found him in the same position, sitting in the yard under a tree, and I think he was reading either a book or a paper. I did not say much of anything to him that second day, but when I came over to the office I wrote him a note, saying in substance that it would not do to allow these boys to be so far away from him; that they were swearing and violating the rules of the school, and he was not in a position to correct it.

The CHAIRMAN. Go on.

WITNESS. After Mr. Hinckley's transfer to the Farm House, I had occasion to call his attention to the condition of the main road. In dividing the land among the masters of the houses, they also have to take a certain portion of the roads to keep in repair. We had had quite a snowstorm, and one of the large teams, which was conveying material for the enlargement, was capsized; the driver reported to me. After he had unloaded the team, I went with him to Mr. Hinckley's house, and, finding Mr. Hinckley there, took him down on the road and told him what I would like to have done. I supposed Mr. Hinckley attended to the matter, but the next day I received complaint that the road was no better than it was before; so I then called upon Mr. Morse, who was in charge of the Peters House as Mr. Hinckley's successor, and asked him to go down and put the road in proper condition. So that Mr. Morse accomplished what Mr. Hinckley failed to do.

Q. When was this?

A. Some time in January, 1877.

Q. When was the transfer made from the Peters to the Farm house?

A. I think it was in October or November.

Q. Did you, on any other occasion after that, suggest to Mr. Hinckley that his duties were not satisfactorily performed?

A. On one occasion I sent a note to him in regard to some work that properly belonged to the matron of the house. But not wishing to say

anything to the matron I sent a note to Mr. Hinckley. I do not remember of any other occasion.

Mr. ALLEN. Mr. Gideon Haynes, formerly a warden of the state prison, who, I think, can give us some information which would be of value to the Committee, is present, and I understand he is obliged to leave us or the State House about noon. If it would please the Committee to break off now for a few minutes, and allow him to testify, I would esteem it a favor.

GIDEON HAYNES—*Sworn.*

Q. (By Mr. ALLEN.) You have been warden of the Massachusetts state prison?

A. Yes, sir.

Q. From what time to what time—how long?

A. It was about 14 years; from 1858 to 1871, December 7.

Q. How many prisoners had you under your charge at one time? What was the average at that time?

A. The average was 550; probably 2,000 different prisoners during the period.

Q. What system of discipline did you find in existence when you took charge of the Massachusetts state prison?

A. Up to the time I took charge of the prison, they had the privilege of using the lash. The law permitted them to use it up to that time.

Q. Did they do it?

A. Yes, sir; it was in general use up to that time.

Q. After you took charge of the prison, what change, if any, did you make in respect to discipline?

A. I did away with the lash altogether. It was not used on any occasion during the 14 years I was there—nothing but solitary confinement.

Q. What was the state of discipline during this 14 years without the use of the lash, and with no other punishment than solitary confinement?

A. Perhaps it would not be proper for me to state my opinion about it. I can only give you the highest authority in the country, the National Prison Association, of which Mr. Wines of New York is at the head. In their report, after visiting all the prisons in the States and Canadas, they pronounced it to be in point of discipline, and in every appointment, at the head of all the institutions in the country. That has been their report.

Q. Did you ever have any difficulty in enforcing order or discipline without the use of corporal punishment?

A. Never.

Q. What was the general conduct of the convicts after the use of corporal punishment was abolished?

A. Well, it was, perhaps, all that any one could expect or desire. Perhaps not what we could desire, but we had no trouble.

Q. What is your opinion in the government of an institution containing from 300 to 400 boys from the ages of 12 to 21, as to the use of corporal punishment?

A. I should, in my judgment, think they could be governed much better without it than with it.

Q. What effect, in your opinion, would it have upon the average boy from 15 to 21 years of age, to remove his clothing, from his waist to his stockings, or from his neck to his stockings, and inflict punishment upon his naked person with a sole-leather strap?

A. I should not expect the boy would be improved by it.

Q. What effect, in your judgment, would it have upon a boy to confine him in a narrow box 10½ inches deep and, on the average, 15 inches in width, shutting closely upon his person, for an average of ten or twelve hours each day for several successive days?

A. Well, I cannot conceive of any violation of any rules that ever took place under me, where I should want to resort to anything of that kind.

Q. What effect, in your judgment, would it have upon a boy of that age and character, to inflict upon him as a punishment a stream of cold water from the hose?

A. My answer would be the same. I do not believe, myself, in punishments of that kind.

Q. What effect, in your opinion, would it have upon such a boy, to confine him in the strait-jacket with a strap through his mouth, buckled back of his head in the nature of a gag, and allowing him to remain in that condition 12 hours each day for two successive days?

A. Well, I can hardly contemplate, sir, what would be the effect of it.

Q. Would it be good, in your judgment?

A. No, sir; I should think not.

Q. (By Mr. HYDE.) How long did you keep men in solitary in the state prison? State the average or extreme that any man was kept there.

A. I do not know that I can recollect. I should think between 10 and 12 days.

Q. What was your solitary?

A. It was one of the ordinary cells, darkened.

Q. Thoroughly darkened?

A. Not thoroughly darkened.

Q. With a stone floor?

A. A stone floor.

Q. Stone walls?

A. Yes, sir.

Q. Iron-grated doors, darkened?

A. Yes, sir.

Q. What was there in there for the prisoner during the time he was in solitary?

A. There was a board for him to sleep upon, a blanket, and water in his bucket.

Q. Nothing during the daytime? He was left in the cell with nothing but his clothing?

A. That is all, sir.

Q. And at night a board was slipped in for him to sleep upon?

A. He was fed on bread and water every morning.

Q. Now, would you recommend that kind of punishment for young men?

A. I do not know that I would.

Q. Is it not, as a whole, considered to be the severest form of punishment practically known which does not inflict pain and injury to the flesh? Is there any severer punishment that you know of to break the spirit of a man, than to put him in solitary, as you used to do at the state prison? Do you know of anything worse than that to crush the spirit of a man?

A. He can be crushed much quicker by the lash.

Q. I ask if there is any other form of punishment more severe to subdue or crush a man in his spirit or will than solitary?

A. But they are not obliged to remain there; it depends upon themselves.

Q. No, but my question is, if you know of any other form of human punishment,—of course I do not speak of the rack, or anything that may be applied in the sense of severe pain,—but do you know of anything more terrible than solitary confinement in the state prison?

A. Well, I do not know of anything between that and the infliction of bodily punishment?

Q. Do they not immediately go to the hospital after leaving solitary?

A. There was never an instance while I was there.

Q. I have heard it said that they did?

A. I never knew of such an instance during my administration, not one.

Q. Were records kept of the men who went into solitary?

A. A record was kept of every man that was punished or reprimanded.

Q. Can you tell, on the average, how many men you had in solitary there?

A. The number of solitary cells was ten; sometimes they would be vacant for a week at a time.

Q. (By Mr. ALLEN.) All of them?

A. All of them. Sometimes they were full, but that was an exception.

Q. (By Mr. HYDE.) Well, when you could not put them in solitary, you would confine them in the other cells? Suppose you had your cells all full, and you had occasion to punish a man?

A. I do not know of any occasion where we had not cells enough.

Q. Now, what was your average number of men in solitary?

A. Well, take it during the year, it might be three or four.

Q. Now, what were men put in solitary for; what class of offences?

A. They were put in for any violation of the rules. There are rules laid down, and every man has them in his cell, printed.

Q. State in substance what they were?

A. One of them was for talking. They were liable for fighting, or for filthiness, or for almost any conceivable violation of the prison rules.

Q. Now, as a matter of fact, I suppose the offence of talking or communicating among themselves gave them opportunities to make trouble,

and that there would need to be regulations even in regard to whispering, which would not be found necessary in the ordinary public school?

A. Yes, sir.

Q. And the rule was, that they were not allowed to communicate with each other any time?

A. That was the rule.

Q. Neither when they were together nor when they were passing in file?

A. In any way.

Q. When they came to chapel, they were not allowed to communicate. Now, how many times in a year were prisoners allowed to communicate between themselves?

A. During holidays, some three or four occasions during the year.

Q. Well, there were some three or four occasions, during the year, in which you allowed them, under the charge of an officer, to communicate freely?

A. Yes, sir.

Q. Suppose you saw any communication, or chumming together, by any particular men during the recreation, did you ever interrupt it or interfere with it?

A. No, sir.

Q. Unless they got to fighting, or something of that kind, they were allowed to do what they pleased?

A. What they pleased.

Q. Now, about your work there. Of course, when they went into the shops, they were under the care of officers, but what work did you have where men were outside? For example, how many worked out of doors?

A. Well, there was a detail, which we called the yard gang, of some four or five.

Q. There were no considerable number allowed outside?

A. No, sir.

Q. What means were used to take care of the yard gang?

A. There was an officer with them, but they were men who had but a few weeks to stay.

Q. Have you been up to this Westborough school?

A. Yes, sir; I have been there under the administration of Mr. Allen.

Q. Have you been there recently, since the new class of boys came in?

A. No, sir.

Q. Now, as a matter of fact, is it not true that the old professional when he is caught and gets into prison makes one of the best prisoners?

A. Usually that is so.

Q. And also one of the most troublesome class of prisoners are the young, untamed men whose life has just commenced?

A. They would be more likely to violate the rules in regard to matters of talking, and that kind, than the older men.

Q. And more inclined to test the character of the institution, and the officers, than the men whose lives have been based upon the calculation of the chances of this thing, for a series of years?

A. Yes, sir. I have no doubt that is so.

Q. If you had such a class of men, it would require strict surveillance in looking after them for the first few months of their imprisonment?

A. I do not know that I ever discovered any particular necessity in regard to that matter. I probably had more of that class under me than there are at the present time. The law which we passed a few years ago, which prohibited the judges from sending men under such an age, or boys under such an age, to the state prison, was passed since I left.

Q. A prisoner sent to the prison is at once remanded to his cell after being properly provided for?

A. Yes, sir.

Q. And usually, was there labor, so that they at once went to work, or did some little time elapse?

A. They usually went to work within a day or two.

Q. Now, how long before, in some way or other, they would come up for discipline? I mean those who came there for the first time.

A. Well, a great many of them would run all through their sentence. It is only a very small proportion of the men that are punished there.

Q. Well, is it the same men punished generally over and over?

A. It was frequently the case that men of that class would be more likely to get into punishment. A large proportion, probably two-thirds of the convicts that go to prison, are not punished at all.

Q. There were men there that were always troublesome?

A. Yes, sir.

Q. And who would be repeating their offences?

A. Yes, sir.

Q. And who would be making trouble all through their sentences?

A. There are always men of that class.

Q. Now, suppose a man was sent to solitary repeatedly for a similar offence. Suppose a man was sent to solitary for talking, and within a month you had occasion to send him again, was he punished for the repetition?

A. He was punished for talking, but although he might violate the rules every month he would not be punished for more than two days at a time.

Q. I am speaking of any one of those offences where he knew he was violating the rules of the prison?

A. That would be the result, unless it happened he had assaulted a convict.

Q. What I mean is, the repetition of it. Was he punished for persisting in it?

A. Not necessarily; when he came in there the first day, if he said he was ready to come out and obey the rules, we let him come out, and took his word for it.

Q. As a rule, you never found a man whom solitary would not bring about in time?

A. Well, no; I never found a man but who in the course of a day or two was willing to obey the rules.

Q. (By the CHAIRMAN.) Do you think the same punishments used at

the state prison would be suited to the Westborough Reform School? The same methods of discipline?

A. I think, substantially, the same discipline might be adopted there.

Q. I understood you to say that boys and young men were more disposed to violate the rules than the older prisoners?

A. Yes, that would be likely to be the case.

Q. Consequently, what would be called a petty offence at Westborough would be a more serious one at the state prison, would it not?

A. They are permitted to talk, I believe, at Westborough, and that would not be a violation of the rule.

Q. You understand at Westborough the boys mingle together in the yard every day?

A. Yes, sir.

Q. Now, do you think the same discipline would be suitable in Westborough which you use at the state prison?

A. Yes, sir; or discipline of a similar kind.

Q. Could you resort to the same methods with success?

A. What would be a violation of rules at the state prison, in many cases, would not be a violation of the rules at Westborough. I do not know what they would be punished for at Westborough; I suppose for fighting or insulting officers or teachers, or attempting to escape.

Q. Well, as boys are more liable to disobey rules than older men, whatever the rules would be, they would be more likely to disobey them, and consequently, there would be more occasion to administer punishment in some form?

A. Yes, sir.

Q. Then, do you think the same method would be adapted to each institution?

A. I think so, sir; but I think a very great improvement could be made upon that. I am a very great believer in rewards, rather than punishments.

Q. Are you aware, whether or not, they have a system of rewards in the Westborough institution?

A. I am not, sir. I think, if I remember correctly, in reading the testimony of the superintendent, Col. Shepherd, the other day, he was speaking of taking the boys out to cattle-shows, and other places. I think he said, that in no case did he have trouble from them, and that he was perfectly satisfied with their conduct. I think that system would have more effect in governing boys, and I think it would be better to have more of that, and less of whipping.

Q. The trouble seems to be, that they have this system of rewards, and all these privileges, and also corporal punishment. The question for us to decide, is, whether we can get along without the punishments?

A. I do not know what his system of rewards is, but in my view of the case, it should be such that it would have a tendency to lessen their confinement there, by certain marks they should obtain by good conduct, for obeying the rules and for improvement.

Q. I suppose, it is claimed by the trustees of the institution, that were

it not for this system of rewards, they would have corporal punishments to a much greater extent than they do?

A. I presume that would be put in that way.

Q. (By Mr. HYDE.) Now, at the state prison, when a man goes in there, if his conduct is good, there is a percentage of reduction of sentence going on all of the time?

A. Yes, sir.

Q. So, if a man is sentenced for ten years, and his behavior is good, how long does he remain there?

A. Eight years and four months. He gets off 600 days, or five days a month. That is like a savings bank,—every month he is depositing five days to his credit, but for any misconduct he is liable to lose a whole or a part of those days.

Q. Now, take for example, a man who goes in there for ten years and gets off five days a month for good conduct. Now, suppose he got through five years and got off half of the year and eight months and then should commit some serious offence, is he liable to lose the whole of it?

A. Yes, sir.

Q. And the question of what benefit he shall receive is in the hands of the officers of the prison; that is, his record of deportment is the gauge of his credits?

A. Yes, sir.

Q. Now, with reference to having some means of punishment in your hands, you had solitary. Now, could you carry on the prison if you had the power of punishment taken away from you?

A. If I could have the prison according to my ideas, I think I would have no punishments.

Q. What is your idea?

A. Well, it would be to have no punishment beyond the power of adding to or increasing the sentence.

Q. Would you abolish the solitary?

A. Yes, sir.

Q. But you would increase the sentence?

A. I would have the power to increase the sentence.

Q. Do you think it would be quite the thing to give the warden of the state prison the right to extend a man's sentence for an offence for which he is committed, for want of good behavior?

A. You substantially do that now.

Q. I know, but you never go beyond what the court says?

A. It is substantially the same thing. I understand that is the great objection to it, but that is my idea; I may be wrong.

Q. To what extent would you give the warden the right to extend a sentence?

A. I would give him the same power that he has to commute the sentence. I would give him power to add in just the same ratio; that is, if he had power to commute the sentence one year and eight months, I would give him the power to add the same; that is my idea.

Q. You have had severe cases of insubordination?

A. Yes, sir.

Q. You have had cases that required prompt action at once, I suppose?

A. Yes, sir.

Q. Now, here is a man who, from some cause, becomes insubordinate in a violent sense. What would you do when you met with such a case as that? Here is a prisoner who is in your charge, and he has become insubordinate in a violent sense, what would you do?

A. I would lock him up in his own cell; not in a dark cell, but in his own cell.

Q. Would you let him out until you felt it was safe for him to be out?

A. No, sir.

Q. Would you take that man and put him into a cell, or would you lock him up in his own cell until in your judgment he ought to be let out?

A. Yes, sir.

Q. Well, how does that differ from punishment in the solitary, with the exception that he is under restraint?

A. Of course you must have the power to restrain a man; but it is a very great difference, I think, whether a man is confined in his own room, as you might term it, or whether you punish him in a punishment cell, with the floor he has to sleep upon, and bread and water.

Q. Now, as I say, your idea is in the case of a man who exhibited a case of insubordination, you would lock him up, and keep him until in your judgment he ought to be let out?

A. Yes, sir; and every day he was there, he should be adding to his sentence.

Q. Now take another thing. Do you have a class of men whom you lock up in cells not solitary; cases in which you think it would not be prudent to have them in the shops?

A. Occasionally we do have such men.

Q. Were there men who for a long period of time were kept in their cells?

A. No, sir; not under my administration. When I went there, I found 14 that were kept in solitary confinement, but they had their food and everything.

Q. (By Mr. SANBORN.) Then it was not solitary confinement?

A. They were not in the punishment cells, but in cells set apart.

Q. (By Mr. HYDE.) Each man has a cell allotted to him when he goes there?

A. Yes, sir.

Q. That is spoken of as his cell?

A. Yes, sir.

Q. Now, what I mean is, when you were there, were there not men who were kept a long time in their own cells?

A. Never in their own cells. We had larger cells where we used to put men after we considered them dangerous in the workshop. Sometimes a man would exhibit signs of insanity, and we would shut him up in one of these cells, which were larger than the others.

Q. Then you had, beside the solitary cells, a certain number of cells where you could lock men up?

A. Yes, sir.

Q. Were these cells used ?

A. Occasionally.

Q. How long were men kept in there ?

A. Sometimes two weeks.

Q. Until, in the judgment of the warden, they could be allowed to go back ?

A. Yes, sir.

Q. Now, suppose a man exhibited a spirit of insubordination, but did not proceed very far, did you ever keep a man in his own cell during the day ?

A. No, sir.

Q. Now, in regard to escapes, and you had some, I suppose ; what was generally done with escapes ? What notice was taken in the way of punishing a man who escaped from the state prison ?

A. I do not know that we punished a man unless we caught him in the attempt ; then he would be put in solitary. But if he was brought back he was never punished for it, except the additional sentence he received.

Q. It was an offence for which the court punished him. What was the additional sentence ?

A. Usually a year.

Q. What should you think if a boy ran away from the State Reform School and was brought back and put in the lodge ? What they call a lodge there is an ordinary house of correction cell ; it has a bed, brick walls and an iron door. As a means of punishment, should you call it severe ?

A. No, sir ; I should not call it severe.

Q. Suppose there was a winking on the part of the trustees in any of these penal institutions as to escapes, and not much notice was taken when they were brought back, would it not occasion a great deal of trouble ?

A. Yes, sir.

Q. That is, vigilance in regard to this matter, is one of the important matters connected with these institutions ?

A. Yes, sir.

Q. I suppose you always had a percentage of one plotting to escape ?

A. Yes, sir ; always.

Q. And then you always find a good many men you can put a great deal of confidence in, and were it not that you are charged with these important duties you would allow them a great deal more liberty than they get ?

A. There is a percentage of prisoners that you feel a great deal of confidence in personally ; yes, sir.

Q. Then there is another percentage you never dare to put any trust in ?

A. Yes, sir.

Q. (By Mr. DAVIS.) Do you not think there is considerable difference between the escape of a prisoner, sentenced to the state prison for a crime, and the escape of a boy sent to the Reform School ?

A. Yes, sir.

Q. Quite a different thing?

A. Quite a different thing.

Q. It would not be a fair comparison, then, to treat them in the same manner?

A. No. I never blamed a man for getting away from the state prison, if he could.

Q. In your testimony, I think you stated that, as a general rule, the worst criminals were the best prisoners?

A. The professional criminals,—that is to say, the English burglar, the English bank robber and old men that make it a profession, or professional men who take the chances if they are convicted, they are usually the best behaved.

Q. Now, the point I want to get at is this: because a boy or a man was sentenced for the crime of picking pockets or burglary, if he was young in years, he is just as liable to behave himself in prison as though he was 40 or 60 years old?

A. Yes, sir.

Q. Well, really, then, it does not make much difference how old the prisoner is?

A. Well, you take the professional man, the burglar—there are boys and young men in Boston who break into stores, but they are not what you call professional burglars. There are a great many that are sentenced for burglary that are boys 17 or 18 years old.

Q. What would be the difference, in your judgment, between a prisoner who had committed a crime when he was 20 and another who had committed the same crime when he was 40? What would be the difference in the management?

A. No difference.

Q. Then, really, the argument does not apply, that the young boys are hardest to manage?

A. No, sir; not in my mind. There are violations of the prison rules that boys are more likely to commit than men. Take the matter of fooling or playing tricks upon one another. Boys of 16 or 17 are more liable to be engaged in anything of that kind than older men, and, therefore, would be more likely to be punished. I think one very important matter in our discipline is, that it should be directed by the head of the institution. Now, if a convict violates any of the prison rules, the officer who has charge of the convict at night, when they are locked up, refers this matter to the head of the prison, at the foot of the stairs. He reports to the deputy warden any violation of the rule, and if the deputy warden is not present, then to the warden, and they have to decide whether he shall be punished or not, and the officer has nothing to do but report him.

Q. Should you think it would be safe to give the authority to punish to all the subordinate officers in any institution?

A. I should think not, sir. I think it is a very delicate matter for even the head of the institution to manage.

Q. (By Mr. TRAIN.) Your discipline is the same, I suppose, as at the house of correction at South Boston?

A. The same.

Q. If the law allowed youths under the age of 17 to be sentenced to the state prison, they would receive the same discipline that the older prisoners received?

A. Yes, sir.

Mr. SANBORN. The law does allow boys to be sent to the house of correction at the age of 17, and they are even sent to the state prison.

Mr. TRAIN. I asked him if they would receive the same discipline if they were sent there?

Q. (By Mr. GILBERT.) How often were prisoners fed while in solitary confinement?

A. Once a day.

Q. Once in 24 hours?

A. Once in 24 hours.

Q. And that on bread and water?

A. They had such a quantity of bread and water; the water they had plenty of.

Q. But it was bread and water once in 24 hours?

A. Yes, sir.

Q. (By Mr. DAVIS.) How much did they have?

A. It was a short allowance; they would not get fat on it.

Q. (By Mr. SANBORN.) Was the water ever administered through a two-inch hose?

A. No, sir; the last showering occurred years ago. We used to have the shower-bath in Charlestown. The last man that was ordered to be showered by the warden, killed the warden before night. That was Warden Lincoln.

Q. There was no showering after that?

A. There was no showering after that.

Q. (By Mr. ALLEN.) What would you say of the severity of a showering by the use of a stream of cold water from the hydrant?

A. Well, I should judge it would be extremely unpleasant, especially in a cold day.

Q. Well, as to the severity of it?

A. I should prefer the water to the strap.

Mr. TRAIN (To Mr. Allen). Was that what you meant to ask?

Q. I wish to know your real opinion of the effect of a stream of cold water from a hydrant through an inch nozzle and a two-inch pipe, used for extinguishing fire?

A. I do not think, unless it was very cold weather, that it would be extremely severe; but it would be a method of punishment I should not fancy myself. It would be more likely to irritate the boys, I think, than to improve them.

Q. (By Mr. TRAIN.) Which, in your judgment, would be the most serious: to shower a person by letting the water drop upon his head, or to play it upon him through an inch nozzle?

A. The shower-bath would be the most severe. The shower-bath is terrible.

Q. (By Mr. SANBORN.) Were you ever assaulted in prison?

A. No, sir. During the 14 years that I was there I never received a disrespectful word from any convict.

Q. To what do you ascribe that?

A. I don't know, I am sure.

Q. Did you ever feel in fear of assault?

A. Never, sir.

Q. You were constantly among them?

A. Always.

Q. At all hours?

A. At all hours and at all times.

Q. Frequently, when they were in the yard, without order?

A. Yes, sir; and on no occasion during any time I was in the yard was there a man reported for any misconduct or for any violation of the rules.

Q. How many of your officers were assaulted by prisoners while you were there?

A. None. Mr. Wood was assaulted by a prisoner who was probably not a sane man.

Q. Such a system as you have described, of conducting a prison without punishments, could not be carried on except by a high grade of officers?

A. No, sir.

Q. Did you have such officers while you were there?

A. Well, I had good officers, but none to whom I should want to trust the infliction or decision of punishments.

Q. Did any of your officers ever knock down a prisoner?

A. Not to my knowledge.

Q. If an officer had knocked down a prisoner, what course should you have taken?

A. Well, it would depend upon the cause of it, whether it was in self-defence.

Mr. HYDE. He not being in a state of mutiny, Mr. Sanborn means.

Mr. HAYNES. He would have been discharged immediately; even if he had used improper language to a convict, for that cause he would have been discharged.

Q. (By Mr. PRESCOTT.) How many prisoners did you have under your charge? What was the average number?

A. I should judge about 550, taking it all through.

Q. How long, on the average, were prisoners confined in solitary?

A. I should think some two or three days; they were at liberty to come out whenever they were punished. They had only to send for the deputy warden or myself, and if they made the proper acknowledgment, that is, that they were willing to come out and go to work and behave themselves, they were always permitted to come out.

Q. (By Mr. ALLEN.) So that the time of their confinement depended entirely upon themselves?

A. Entirely upon themselves; and they knew that every day they were adding to their sentence.

Q. (By Mr. PRESCOTT.) When they were kept in solitary, or confined

in their cells for a number of days or weeks in succession, were they allowed their clothing during the time?

A. O yes, sir; the same as if at work.

Q. Do you think severe corporal punishment would be a fruitful cause of assault upon officers?

A. I should think that would be the consequence.

Q. Do I understand you that corporal punishment was abolished while you were there?

A. When I went there a law was in existence which allowed us to use corporal punishment, but it was never used; and some years after I went there it was finally abolished; I think on the revision of the statutes.

Q. Did you have many cases of assaults upon officers while you were there?

A. No, sir.

Q. You said something about the best authorities on prison discipline being against corporal punishment; what authority is that?

A. I do not know as I said it in that way. I said, in speaking of the state prison and the punishments we had there, that the National Prison Association of New York, in their report, said that it stood at the head of the list.

Q. Have you visited many prisons in this and other countries?

A. Yes, sir; in this country and abroad.

Q. Well, is the tendency of things, so far as you are enabled to judge, toward the entire abolition of corporal punishment in prison and reformatory institutions?

A. I am very positive upon that point.

Q. Is not that the general tendency of the age, in this country and in other countries, so far as you know?

A. Oh, it is used in many prisons. It has been abolished in New York, I believe, by statute.

Q. (By Mr. SANBORN.) How do you find it in Europe?

A. I never knew of any flogging there. There has been recently, within a few years, a law that for certain crimes the judge shall sentence the convict to receive such a number of stripes in addition to the sentence; but in the matter of discipline, I found no case where they used corporal punishment.

Q. What would you judge would be the state of things in a reformatory institution where boys from 17 to 20 years of age were frequently punished severely by corporal punishment?

A. I should expect the boys would not be improved, and I should expect they would have a great deal of punishing to do.

Q. Should you suppose they would be continually in a mutinous and rebellious spirit?

A. That would be likely to grow out of it, I should judge.

Mr. HYDE. Here seems to be an opinion given by the attorney-general, which may as well be put in at this time as at any other, on the authority of the trustees to authorize punishments of the boys of the Reform School.

I have been looking over the records of punishment, and I find them quite deficient. I suppose they are still in the hands of the Committee.

The CHAIRMAN. I could not answer; they have been back and forth from one to the other.

Mr. ALLEN. Before the cross-examination begins, I would like to ask for the record of punishments since the rule which Colonel Shepherd has mentioned this morning has been in force, putting the punishments in a few hands, or were they submitted the other day?

Mr. HYDE. It was submitted the other day.

Mr. SANBORN. I think it would be well to have it here. We would like to see how much the punishments have increased or diminished.

The CHAIRMAN. You may go on, Mr. Hyde.

Mr. HYDE. This is a letter published at some time, which speaks of the authority of the trustees to authorize punishments. You had better read it, Colonel Shepherd.

Mr. SHEPHERD [reads]:—

BOSTON, 7 COURT SQUARE, March 20, 1876.

GENTLEMEN:—In answer to your inquiry of March 16, I am of opinion that the trustees of the State Reform School may authorize the superintendent, or any of the subordinate officers, to administer corporal punishment, when it is necessary for the maintenance of strict discipline in the school. The right to administer corporal punishment is vested in the parents of a minor to accomplish the better education of the child. That right may be delegated by the parents to the tutor or instructor of the child; that right may also be transferred from the parents to another for any sufficient reason, and whenever a parent is deprived by the law of the right of education, and when the right and duty of education is by the law cast upon another, then, *ex re termini*, the right to administer corporal punishment is transferred from the parent, and vested in that other. That such is the effect of a commitment to the Reform School, is apparent from the nature of the transaction, and from the provision of Gen. Sts. c. 76, §§ 4, 5, and 27.

In answer to your second inquiry, I am of opinion that a boy who has been committed to the school remains under the control of the trustees until he arrives at the age of twenty-one, or is sooner discharged by the trustees; that a sentence confining a boy for a part of this time suspends, *pro tanto*, the control of the trustee, but does not in any way end it.

I would respectfully call your attention to Gen. Sts. c. 14, §§ 17–29; St. 1832, c. 223, § 12; St. 1866, c. 264, § 3; Gen. Sts. c. 15, § 17; c. 177, § 2; c. 57, § 9; c. 58, § 8 (St. 1871, c. 297); c. 59, § 11; c. 141; and St. 1874, c. 372, § 8; these statutes prescribe my duties as attorney-general, and, so far as I am aware, these are all the provisions on that subject. The propriety of my giving official opinions to other officers, than those mentioned therein, may be questionable; that it is no part of my duty seems clear.

I am, very respectfully, your obedient servant,

CHAS. R. TRAIN.

Mr. DAVIS. I suppose that is simply a matter of right under the law.

The CHAIRMAN. What was the point of putting that in?

Mr. HYDE. It was merely to show that the question had been asked. I did not know but that some question might be asked in regard to it.

COLONEL SHEPHERD—*Continued.*

Q. (By Mr. SANBORN.) I would like to ask whether the trustees have taken any action on the opinion of the attorney-general. Did they

authorize you, or any of the subordinate officers, to inflict corporal punishment?

A. It was not necessary.

Q. Why not?

A. Because the trustees had already provided for the infliction of corporal punishment.

Q. Is that on your records?

A. Yes, sir.

Q. Authorizing every officer to inflict it?

A. No, sir; I do not so understand it. They provided that corporal punishment might be inflicted, and did not designate what officers should administer it. I think there is a by-law that covers it.

Q. (By the CHAIRMAN.) I believe you stated, in answer to my question, that the trustees knew who punished in the institution?

A. Yes, sir.

Q. And of the punishments?

A. Yes, sir.

Q. We were speaking of punishments by water; you said your judgment was that from 5 to 15 minutes was the longest time water had been applied?

A. I wish to make a distinction between the use of the garden and the fire hose. I should say that water from the large hose was applied from 3 to 5 minutes, and from the garden-hose from 5 to 15 minutes.

Q. Do you think of any case where it was applied for half an hour?

A. I was not present at any such punishment.

Q. Do you think it ever was applied that length of time, or have you any means of knowing, one way or the other?

A. I understood that the Cahoon boy had the water applied to him several minutes. The boy was defiant, and encouraged the officers to put it on. I think that Mr. Phillips testified in that case. He was present when the water was administered, and advised the officer to give the boy more.

Q. (By Mr. SANBORN.) Was Mr. Phillips's conduct approved by the superintendent?

A. The superintendent was not on the premises, and the by-laws made it the duty of the assistant superintendent to perform the duties of the superintendent in his absence.

Q. Whether or not you ever really disapproved the course of Mr. Phillips in that case?

A. I do not know whether I ever had any conversation with him on that point.

The CHAIRMAN. I will cover the whole ground. Did you approve or disapprove Mr. Phillips's management as assistant superintendent, as a whole?

A. No, sir.

Q. Well, did you disapprove?

A. Previous to the meeting in January, 1877, I called Mr. Phillips into the superintendent's office, and had a talk with him. I spoke to him in this way: "Mr. Phillips, you have been here six months, and you

know something of the duties of assistant superintendent. I would like to know how you feel about it, and whether you could control your officers and boys in this reformatory department, or whether you would find difficulty?" Mr. Phillips replied he thought he could get along successfully. He said the officers, as a general thing, would support him, unless it might be Mr. Wheatley. I asked Mr. Phillips how he should act in case of a disturbance, and he replied he could not tell; it would depend very much on what the nature of the disturbance was; then I asked him what he would do in a similar case to that of Crowley's. Shall I state Crowley's case?

The CHAIRMAN. Yes, sir.

WITNESS. I told about it the other day.

The CHAIRMAN. Well, you need not go into it particularly, but you may briefly allude to it.

WITNESS. Mr. Phillips replied, if a boy like Crowley was up in a corner with a vessel in each hand, he would do just as I did. He would order the other officers to leave the room, and he would go up and take him down. I had to smile, because Mr. Phillips was placed in that position, and he and four officers were kept at bay by this boy, until I went in and asked them to leave the room, and went up and took the boy down without any violence or force; I told him I wanted him to come down, and he went with me. Mr. Phillips and I then left the superintendent's room, and passed through the sleeping-hall. In passing through the hall, he said, "What am I to infer from this talk?" "Well," said I, "Mr. Phillips, I do not know as I am prepared to say, but the trustees are going to meet, and they will probably ask me certain questions, and I wish to be prepared to answer them. My object was simply to find out how you felt in the matter." "Well," said Mr. Phillips, "I do not know what to say in this matter." I did not say anything more to him about it, but in a few days afterwards he sent in his resignation to the trustees. The trustees had their meeting, and sent for me; they asked me about Mr. Phillips, if I thought it was advisable to retain him, and I said no; that I would rather do the work alone, than be continually supporting a weak man. The result was they accepted his resignation, and arrangements were made that he should leave the institution the 15th of January. The riot occurred on the 12th, and as I had more to do than I could possibly handle, I asked him if he would remain, and he said he would until after the court cases were settled—I mean the cases of those boys which were presented to the grand jury of Worcester County. Mr. Phillips remained until the early part of February, I think; I am not sure about the day he left, but I think it was in the early part of February. He left the day he appeared before the Committee, when they had their first investigation. I could testify from my diary, and give you the exact date.

The CHAIRMAN. Well, if you have it there conveniently, you may refer to it.

Mr. SANBORN. I do not see Dr. Harvey here, Mr. Chairman. I suppose he will be here the next day.

The CHAIRMAN. He was to be here to-day.

Mr. HYDE. We will try to give you that one desire of your life before this hearing closes.

The CHAIRMAN. We have got as much as we want to attend to without going into that.

WITNESS. Mr. Phillips left the institution on the morning of February 8th. Dr. Harvey gave me a message this morning that he should not be here because he had been called to make a post-mortem examination.

Mr. HYDE. It was not so much Mr. Sanborn's desire to have him here as it was to again call for him.

WITNESS. He called upon me this morning, and asked me to give you that information.

Q. (By the CHAIRMAN.) I want to ask you, whether in your opinion, after the occupation of the new part, there can be a decided change in the method of discipline in the institution?

A. Yes, sir. If I were to remain at the school, I should not anticipate any trouble whatever. I feel that when that bad element is removed from the reformatory department, both sides will work together well. The difficulty at Westborough is this: these large boys require to be worked down. As it is now, they work but 5½ hours per day. They really ought to work from 8 to 9 hours, and be under discipline approximating that of the house of correction. As it is now, these boys assemble in the yard and they play there two and three hours in a day, and a portion of them spend their time in plotting and scheming. It has been stated during this investigation that as the result of their plotting and scheming officers have been assaulted; and when they were playing base-ball the club was used to make an attack upon the officer in attendance. Now, if you will notice, in the house of correction or the state prison, when an officer is assaulted it is generally confined to one man, and in many cases one of the prisoners comes to the assistance of the officer assaulted. At Westborough, if we have any plotting or scheming, there are all the way from 5 to 10 or a dozen boys implicated. Now, if we had not the other boys there in the yard to plot and create mischief, we should not have much trouble. The little boys, or the milder class of boys, we could handle easier; we could take them right out and deal with them in the proper way. But these older boys are scheming and making trouble for us. If they were put into this correctional part, and treated as we have described, I do not anticipate any trouble whatever.

Q. Do you anticipate you would not use corporal punishment with the larger class in the new part?

A. I should be opposed to it.

Q. Do you think you would have to use it with the younger boys in the reformatory part?

A. Well, it would be well occasionally; it might be necessary. I do not approve of corporal punishment. I have no liking for it; it is an unpleasant duty for me to perform, but I have been compelled to do it.

Q. You mean that you could not maintain discipline without it?

A. Yes, sir. And then, when you get 5 or 6 boys into trouble, how are

you going to dispose of them? You cannot put them all in the box, and there must be a division of punishment.

Q. (By Mr. PRESCOTT.) How many dormitories have you there?

A. We have about 100.

Q. I do not mean in the new part. I mean in the old part.

A. Perhaps 130.

Q. Those you have had for some years?

A. Yes, sir.

Q. (By the CHAIRMAN.) You have seen the bill which Mr. Allen introduced in the House, or know what it is, do you?

A. Yes, sir.

Q. The first section of this bill provides that no person shall be punished in any manner except that prescribed by the board of trustees. Would you approve of that section?

A. Yes, sir.

Q. And the second section provides with reference to the record; a record shall be kept for that purpose by the superintendent of every punishment inflicted upon any inmate thereof, giving the date, cause, kind and extent of the punishment in full, and by whom and by whose orders the same is inflicted. Would you approve of that?

A. Yes, sir.

Q. The third section provides that any officer or employé of the institution who shall violate any of the provisions of this Act, shall be immediately discharged from his office or employment, and shall be fined not less than \$25 nor more than \$500, or be imprisoned not more than one year, or both. How does that third section strike you?

A. Well, all that appears after the word employment, I should favor striking out.

Q. That is, you would favor the discharge of any officer at once who should violate the law?

A. Yes, sir.

Q. And the matter of fine and imprisonments you would differ from?

A. Yes, sir.

Mr. SANBORN. I would like to inquire why he thinks a direct violation of the law of the State should only be punished by a discharge from office.

Mr. HYDE. That is a question we will have some discussion on, I guess.

Q. (By the CHAIRMAN.) I was going to ask one other question. Do you think a change in the law, limiting the age at which they can be sent there to 14 years, would be an improvement?

A. Yes, sir; decidedly so.

Q. Well, do you think it would be well to adopt the recommendation of the trustees, that boys should not be sentenced there beyond the age of 18. They are now sentenced during their minority. In that case, you would have no boys over 18 in the institution?

A. Well, sir, it would be better for the school, but how are these boys going to be taken care of? You would have to erect a prison for boys, or send them to the house of correction.

Q. Well, you now hear it is stated that the Reform School is not a proper place for the imprisonment of boys 18 years old and over; and if it is an improper place for boys, they ought not to be there?

A. That is true, but can legislation be had to relieve this condition of things?

Q. A law can be framed that boys shall not be sentenced to the Reform School to remain after they are 18 years old. The question is, Whether in your opinion, with that in place of the present law, the Reform School would be the gainer by it?

A. Decidedly so.

Q. Would it not have a good effect upon the boys themselves to realize that they are to remain in the institution, not during their minority, but until they are 18 years old?

A. The boys would see the end of their term of detention there at 18. That would make them much more contented, and more willing to obey the rules of the school than under the present law, where they are detained until they are 21. The majority of boys that give us trouble are those that have been out on probation and have been returned to the school. When they return they feel that they are going to remain, or the chances are that they will remain, until they are 21. Out of the 13 boys transferred to the house of correction in Worcester, I believe seven were sent back to Westborough for a second time, or were returned for bad conduct.

Mr. ALLEN. May I ask the witness a question upon this point?

The CHAIRMAN. Let me ask him one more question; perhaps it is the same question you wish to ask.

Q. (By the CHAIRMAN.) I was going to ask you what you think of the plan that a boy's sentence should be shortened in proportion to his behavior?

A. I think it would be a very good thing. I believe in placing hope before every person that is held under restraint, whether he is boy, man or woman.

Q. Now, I have asked you concerning the three changes recommended by Mr. Allen in his bill, the two recommended by the trustees, and one other alluded to by Mr. Haynes; which, in your judgment, do you think would be beneficial to legislation?

A. Pardon me,—I did not understand your question.

Q. I say, I have now asked you with reference to changes in the law which you think would be of benefit to the institution; that is, the three provided for by Mr. Allen in his bill, with the exception of the last clause which you do not fully approve of, you think they would be an improvement?

A. Yes, sir.

Q. Then you think, further, that the recommendations of the trustees, that the boys should not be sent there after they are 14 years of age, and their sentences should not be extended beyond the age of 18, you think these would be an improvement?

A. Yes, sir.

Q. And, still further, you think it would be an improvement to shorten their sentence in proportion to their behavior?

A. Yes, sir; but permit me to add, that the trustees now require a boy to be released on probation. The uniform sentence of the court is during minority, but the boy that enters there at 14 or 15 is not obliged to stay there.

The CHAIRMAN. I understand that, but it holds over him.

Q. (By Mr. DAVIS.) I would like to ask Colonel Shepherd if he intends to testify that the uniform sentence of the court is during their minority?

A. Now? Yes.

Q. (By Mr. ALLEN.) In case one of the recommendations of the trustees should be adopted, that boys shall not be sent there after they are 14 or 15, it would give them a maximum of 6 or 7 years. What would you say to sentencing them until they are 18, and allowing 10 or 15 days' time from their sentence, each month, for perfectly good behavior, so that boys sentenced there could shorten their stay by behaving well, and if they conducted themselves badly they would extend their sentence, thus giving them courage, by this monthly diminution of sentence, to behave well?

A. It might work well; but it is a long distance for a boy to look, from 14 to 21. I have sometimes thought that an alternative sentence could be fixed legally to send to the house of correction until 21, and that it would be a great help to the school.

Q. Well, suppose boys of 14 and under were allowed one-half of their time to be diminished for every month of good behavior; that is, a discount of 15 days from every month of good behavior, this would let them out at 17 or 18. How would that answer, in your judgment?

A. I should think it might work well.

Q. (By Mr. DAVIS.) I have only one question, and it is this: In Colonel Shepherd's testimony relative to the transfer to the new part, he said, if he could get rid of the bad element now among the boys, and have it transferred to the new part, he thought he could get along pretty nicely. I wanted to inquire how many boys there were that belonged to that department.

A. I think from 30 to 50 might be taken out under the head of incorrigible.

Q. Well, how many do you propose to take out?

A. I should take them out gradually. I should not think it advisable to transfer 30 boys in one day. I should take them out in small detachments of from two to five.

Q. (By Mr. PRESCOTT.) You have been there some three or four years?

A. Four years next May.

Q. Well, the bad boys have accumulated in the institution, have they?

A. Well, perhaps a little; but we have always had more or less trouble. In 1874 I invited the committee on prisons to visit the school, with a view to better accommodations. At that time there was a jail in Greenfield capable of accommodating some 35 prisoners, and the average

number of inmates for the year previous had been five. My idea was to make that a branch of the State Reform School, or to have these boys transferred. The matter was referred to the committee on the judiciary. I am not prepared to say that it was done officially, but Mr. Hill, of the committee on prisons, was very much interested in it, and took me into the room occupied by the committee on the judiciary, and they said it could not be done legally—the transfer of the boys to this place, or making it a branch of the Reform School.

Q. Well, have not these bad boys, who have been accumulating here, been growing harder and harder to manage?

A. Yes, sir.

Q. And has not the power during the past year been more largely in their hands?

A. From November to January it has increased, but the six months prior to that I considered the institution was in a pretty good state.

Q. Was it in as good a state as at any other time since you have been there?

A. I so considered it.

Mr. PRESCOTT. I will not pursue the question any further.

Q. (By Mr. ALLEN.) Will you give me the names and employment of all the officers of the school during the year 1876, commencing with the superintendent as one. I desire to get the names of all who are authorized to inflict punishment. The superintendent is one; the assistant superintendent?

A. Yes, sir.

Q. The clerk?

A. Well, he has done it occasionally, but very seldom.

Q. He did it with your consent. Mr. Wheatley?

A. Yes.

Q. Mr. Flint?

A. When he was teacher, he had that right. He was a teacher part of the time.

Q. Mr. Bigelow?

A. Yes.

Q. Mr. Armitage, the overseer of the chair-shop?

A. Yes.

Q. Mr. Cummings?

A. Yes.

Q. Mr. Faulkner?

A. Yes.

Q. Mr. Moore?

A. Yes.

Q. Mr. Clark?

A. His business took him outside of the school.

Q. Had he a right to inflict punishment on the boys under his charge, if necessary?

A. Well, I never exchanged any words with him in regard to that.

Q. Do you know whether he ever did that?

Q. (Mr. PRESCOTT.) What Mr. Clark?

- A. The engineer.
- Q. (By Mr. ALLEN) Mr. Perkins?
- A. He generally returned his boys to the main building.
- Q. Has he ever inflicted punishment?
- A. Not to my knowledge.
- Q. Mr. Hodgkins, a watchman?
- A. Yes, sir.
- Q. Mr. Bemis, a watchman?
- A. Yes, sir.
- Q. Mr. Marsh, the turnkey?
- A. No.
- Q. Mr. Brown, of the Garden House?
- A. Yes.
- Q. Mr. Hinckley?
- A. Yes, sir.
- Q. Mr. Dudley?
- A. Yes.
- Q. Mr. Campbell?
- A. Yes.
- Q. Mr. Rawson, you say, had no authority, ordinarily?
- A. I never had any conversation with him about punishments, because I did not consider he was in a position to take any authority.
- Q. Do you recollect any others who had the right to inflict punishment? You have named 16.
- A. Not unless it may have been some officers, who have succeeded these, were in position.
- Q. There are some 12 to 15 women named as officers and employes; could they have punishment inflicted by proxy, upon reporting the cases to some of the officers?
- A. Sometimes the male teachers have done so.
- Q. It was understood, that, at least, 10 or 12 persons could have punishments inflicted by reporting the cases to the male officers?
- A. It has been done in some cases.
- Q. Then there were altogether from 25 to 30 persons in the institution who had the right to inflict punishments, or to have them inflicted, upon the boys of the institution?
- A. Yes, sir.
- Q. I observe that Mr. Dudley, during the year 1876, inflicted punishments as follows: In March, upon 10 boys, 218 blows; in April, upon 5 boys, 107 blows; in May, upon 10 boys, 228 blows; in June, upon 4 boys, 110 blows; in July, upon 6 boys, 141 blows; in August, upon 12 boys, 337 blows; in September, upon 9 boys, 136 blows; and in October, upon 13 boys, 253 blows; making the punishments by that one man, during eight months, upon 69 boys, 1,525 blows. You understood, generally, how he was conducting his department, didn't you?
- A. Yes, sir.
- Q. Now, what class of boys did Mr. Dudley have under his control during this period?
- A. Well, he had what we consider boys in the trust grade.

Q. The best boys ?

A. Well, we consider them so, but it is not always so.

Q. What was Mr. Dudley's position ?

A. He was master of the Farm House.

Q. That was the highest position to which boys were promoted ?

A. No, sir ; boys in the main building who belong to the tried and true or band of hope are higher than the trust boys, because these boys in the main building can go any distance from the school unattended by officers, while those of the trust houses do not.

Q. Were they considered a high grade of boys at the trust houses ?

A. Yes, sir.

Q. Should you say that the punishments were less prior to November, than since ?

A. I consider that the institution boys were in a much better condition from May to October, than they were afterwards.

Mr. ALLEN. And yet there were 69 boys punished with 1,525 severe blows in one trust house during eight months.

Q. Was the teacher inflicting the punishment the sole judge of the offence and the punishment to be given therefor ?

A. There are three officers at the trust houses, and the officer does the punishing for the others. There is a teacher, a matron and a master.

Q. Have you ever had any regular rule for the extent and severity of punishment ?

A. In regard to corporal punishment, it has been left discretionary to the officer inflicting it.

Q. I observe in Mr. Hinckley's reports that he punished the boy Martin with 12 severe blows with a strap for whispering in school, and the boy James Pettes, with the same instrument, for striking another boy with a piece of wood three or four feet long ; can you state why a boy should receive the same punishment for whispering in school as for committing a dangerous assault ?

A. In regard to whispering in school, that is entirely in the judgment of the officer. And I wish to add that it is repeated whispering that brings punishment upon a boy.

Q. I observe, also, that another boy, Leonard Dyer, received the same punishment for leaving his work and going to play, and that Pettes received the same punishment for whispering in the chapel that he received afterwards for assaulting a boy with a dangerous instrument. Had you no other rule for punishment in that school ?

A. Well, that was left entirely with the officer in charge. He could put the boy in the lodge, if he so desired, or he could deprive him of play and privileges, or use the strap.

Q. I noticed that you said at the close of your testimony that you did not approve of corporal punishment ; did you know that one teacher in a school of 28 had inflicted punishments upon 69 boys with 1,525 blows in eight months ?

A. I had not counted them up when I spoke. I spoke for myself ; I do not like corporal punishment, if it can be avoided. I have always felt it was an unpleasant duty to punish a boy.

Q. I observe in Mr. Dudley's punishments, in August last, that the boy Buchan received 40 blows for disorderly conduct, and the result was bad; do you know what that conduct was?

A. I do not know, sir.

Q. And that the boy Crowell received 30 blows for disorderly conduct, and the result was bad; do you know what that was?

A. No, sir.

Q. And that the boy Fitzpatrick received 20 blows for misconduct, and the result was bad; do you know what it was?

A. No, sir.

Q. And that the boy Robinson received 50 severe blows with the strap for disorderly conduct?

A. In Robinson's case, I believe it was for making an attempt to get out of his sleeping-hall.

Q. And Buchan received a second punishment during the same month, 20 blows for disorderly conduct; do you know what that was?

A. No, sir; not now.

Q. In looking over Mr. Dudley's punishments, I notice that he reports them all for misconduct. As a matter of fact, do you consider these monthly reports as anything nearly correct?

A. Some of them may not be specific. I have heard officers testify here that they reported the number of blows according to their best recollection.

Q. I also observe that another boy was punished with 24 blows for being lazy, and that only 12 blows were given for an attempt to do a serious injury; have you known that that was the manner in which punishments had been inflicted?

A. Well, in regard to the offence stated there, it may have been repeated, or it may have been the first.

Q. I think you stated that last month you had made a rule that no punishments should be inflicted except by the assistant superintendent and yourself?

A. Yes, sir.

Q. That was after the investigation commenced before this Committee?

A. The first investigation.

Q. Was that the first time you ever thought of doing that?

A. I wanted to try the experiment. I wanted to do whatever seemed to be right to meet the wishes of the Committee and the public generally and would be for the good of the boys.

Q. Have the punishments been less in number since that time?

A. Yes, sir.

Q. What was the occasion of applying to the attorney general, a year ago, to know if boys could be punished by law?

A. Because the matter of punishments has been discussed more or less every year since I have been there.

Q. (By Mr. PRESCOTT.) Do you mean among the trustees or officers?

A. Both.

Q. (By Mr. ALLEN.) Have you known that it was the habit of officers frequently to strip boys up to their waists and inflict punishment upon their naked persons?

A. I did not know that all of them did so.

Q. You knew that some of them did?

A. Yes, sir.

Q. Have you done it yourself?

A. Yes, sir.

Q. In a good many instances?

A. Several.

Q. How old a boy have you ever struck, or caused to be struck, or flogged upon the naked person, yourself?

Mr. HYDE. The term stripped, Mr. Allen, is capable of two constructions. We know what you mean, but when it gets into print, perhaps other people will not.

Mr. ALLEN. I will divide it afterwards.

Q. (By Mr. ALLEN.) Have you ever compelled a boy to take off his pants?

A. I have caused him to drop his pants.

Q. And take off his jacket as well?

A. I could not tell. I do not care whether his jacket is on or off.

Q. Did you ever cause a boy to remove his clothes, so that his back was exposed from his shoulders down to his stockings?

A. I do not remember any such case.

Q. Will you say you have not done it?

A. I do not remember any such case.

Q. Is your recollection so clear, that you are ready to swear that you never have done it?

• A. Do you mean to strip a boy from the back up?

Q. I mean to have the jacket removed, and the shirt drawn up over his head and shoulders?

A. I never drew a boy's shirt up over his shoulders.

Q. Nor caused him to?

A. No, sir.

Q. Never flogged a boy upon the bare back?

A. I never remember striking a boy on the back, unless by his twisting or resisting, he may have received a blow. I have never done it intentionally.

Q. How old a boy have you caused to remove his trousers, and struck him below his waist on his naked person?

A. Perhaps, as old as 18.

Q. Have you not as old as 19?

A. I do not recollect now, sir.

Q. Have you not as old as 20?

A. I do not remember any such case.

Q. Will you say you have not?

A. Perhaps, if you name the boy, I could decide; but I have no boy in my mind now, of that age.

Q. Do you think it is a suitable and proper punishment, to take a boy

of 18, and cause him to remove his trousers, and lash him with a leather strap on his naked person ?

A. It depends upon the offence. In some cases, I would do it as a matter of necessity ; but as I have stated here, I have tried to avoid corporal punishment, by recommending the lodge and the box, for those larger boys.

Q. You was present last Wednesday, when this Committee were at Westborough, and you saw the marks and discolorations on the thighs and back of Lombey ?

A. Yes, sir.

Q. That boy is about 18 years old ?

A. No, sir ; he is not.

Q. What is his age ?

A. I think he is a little over 16.

Q. The offence for which he was punished is reported as whispering ?

A. Whispering, laughing at prayers, and winking at a boy in the singing-class. I think the three offences were named in the report.

Q. And these discolorations, which you saw on his person, were, as he stated, inflicted by whipping 16 days before the Committee examined him, in your presence, were they not ?

A. I do not remember the exact number of days, but it was recorded on the book, and I think we examined.

Q. At the time of the examination, you saw nothing to correct ?

A. I did not examine the book, but I think I saw it in your hands and in the hands of Mr. Hyde.

Q. Who was he whipped by ?

A. At that time he was whipped by Mr. Wood.

Q. Have you seen similar discolorations upon boys that have been flogged by yourself ?

A. I whipped Lutz on one occasion, and Mr. Phillips testified here that the discoloration was visible two weeks afterwards.

Q. Was it true ?

A. I do not know about the discoloration, but I can testify that I whipped him.

Q. Did you remove his clothes ?

A. I removed his pants.

Q. Do you think that is a proper punishment ?

A. I did, for that offence.

Q. What was the offence ?

A. Soon after the riot of January 12, several boys who had assisted the officers during the riot, and boys who went to court as witnesses to testify against the rioters, were denounced as spies, and threatened with violence by some of the boys in the yard. In some cases I sent the boys who appeared as witnesses to the trust houses, but those who did not want to go remained in the main building, and I felt it my duty to protect them from violence, or threatened violence, on the part of the others. Lutz had made an attempt to incite the boys to punish or use violence on Louis A. Otis. I called Lutz into the office ; he admitted it, and I punished him for it.

Q. You spoke, in your direct examination, of punishing Edward Burns?

A. I wish to add, in regard to Lutz, that he acted very manly about it, and after we got through, he asked my forgiveness for what he had said, and promised that he would not do so again.

Q. You speak, in your direct examination, of punishing Edward Burns for a remark which he had made in the chapel?

A. Which I had reason to believe he made, and I am confirmed in my belief.

Q. He did not confess it the first thing, did he?

A. Yes, sir; he did.

Q. Did you whip him until he did confess?

A. He confessed it during the time I was whipping him.

Q. Did you continue to whip him with that round strap until he did confess, Colonel?

A. Well, it did not matter whether he confessed at the tenth or eleventh blow.

Q. He did not confess with the first?

A. No, sir.

Q. And you continued to whip him until he did?

A. He confessed it during the whipping, and I struck him from twenty to twenty-five blows. I cannot tell you at what time he did confess.

Q. And if he had not confessed, you would have continued it a little longer?

A. I do not know what I might have done.

Q. Now, do you think you were getting at the truth, to strap a boy when he denies an offence which you do not see yourself, and commence to whip him with a round strap, upon his naked person, until he says he did?

A. I heard the remarks, and I knew that Burns had been guilty of similar things, and my belief was confirmed by three boys. I wish to add this: that during the first part of my service at Westborough, it was a matter of common occurrence for boys to murmur during prayers by the ministers, and to make other noises. They have done it sometimes since then. During religious exercises they would make remarks and hum. On two occasions he repeated the offence, and I heard him.

Q. Do you think it is a proper way to procure the confession of a boy to a fault which he denies, to commence whipping him on the naked person, and continue that whipping until he does confess?

A. The boy was defiant and impudent, and would not confess.

Q. You continued to whip him until he did?

A. I cannot say; I struck him 25 blows, but I cannot tell at what time he confessed; but he did confess.

Q. It must have been during the whipping, or at the end?

A. It was during the whipping.

Q. (By Mr. PRESCOTT.) Was the same boy punished the next morning?

A. Yes, sir.

Q. What for?

A. He received a light punishment for lying to me.

Q. That is, you charged him with an offence which he denied, and which you did not see. You commenced to whip him until he confessed, and then, the next morning, you whipped him again for having lied in confessing it?

A. No, sir; I was satisfied that he committed the offence, and I was confirmed in my belief by three boys. When I accused that boy of committing that offence, he denied it, and persisted in denying it. But he was heard by other boys, and I could not let it pass by unnoticed in their presence; I do not think any person would.

Q. Did you count the blows you gave him?

A. Well, to the best of my recollection, I gave him from 20 to 25.

Q. Did you count them?

A. I may have made a mistake; I could not be positive about that.

Q. Was there any record or report made of it?

A. No, sir.

Q. Is there of any punishment inflicted by you?

A. No, sir.

Q. Or by your assistant, Mr. Wood?

A. Mr. Wood has made his report, because he has served in various positions.

Q. I mean while assistant superintendent?

A. He has not really entered upon his duties as assistant superintendent. It is intended that he shall have charge of the correctional part of the school.

Q. Do you think he is a proper man?

A. Well, the young man came well recommended; it is a matter that will be decided after he has a fair trial.

Q. Do you not think he is cruel in disposition and heart?

Mr. HYDE. Well, as long as the trustees have that question to pass upon, as he has said, isn't that sufficient?

Mr. ALLEN. Very well, I will not press it.

Q. (By Mr. ALLEN.) Col. Shepherd, did Mr. Wood make any report to you during the period he has been there, of all the punishments he has inflicted?

A. Yes, sir; when he was in charge of the fourth school, but at no other time.

Q. I am not quite clear in regard to the punishments at the Farm House; has Mr. Chase made any report to you?

A. In the case of Cosgrove, I recollect that distinctly. I am not able to say, but I think he has. They are so few in number, I am not prepared to answer.

Q. Then, taking it all in all, some 28 persons have had the power to inflict punishments with the strap; now, is there any way on earth by which it can be told precisely or approximately the number of boys who have been punished the last year with the strap, or the extent and severity of the punishments, including your own and those of Mr. Wood?

A. Yes, sir; I should think you might get pretty near the number by taking the reports of the officers.

Q. But you have heard one of the officers say that he made his report out at the end of the month, and that he guessed at it?

A. I do not know as he stated it in that way.

Mr. ALLEN. That was the substance of it. He said he did not count the blows, but jumped at the number, and did not make up his account until the end of the month.

Mr. HYDE. As I understand it, this form was not filled up, but he had his memoranda, and made out the form from the memoranda. That would be a little different from the way you put it.

The CHAIRMAN. If you can conveniently leave off at this point, we will adjourn until to-morrow morning.

Adjourned.

FOURTEENTH HEARING.

WEDNESDAY, April 18, 1877.

The Committee met at 9½ A. M., Senator DENNY in the chair.

A. G. SHEPHERD—*Cross-examination continued.*

Q. (By Mr. SANBORN.) I was not here, and do not know the precise point at which your cross-examination ended yesterday, but I think it was in regard to punishment.

A. Yes, sir.

Q. You testified on your direct examination that the punishments were less during a certain given recent period than formerly.

A. I think that was relating to the month of February.

Q. I would like to have you fix a date, because I asked you whether it was from general impression or the records, and you said it was from your general impression. I have been examining the records since, and I would like to ask you once for all, when punishments were most numerous at Westborough since you have been there?

A. It is my impression, from November to January.

Q. Now, why were they most numerous then?

A. On account of the bad conduct of the boys—the inmates.

Mr. PRESCOTT. November last?

Mr. SANBORN. From November, 1876, to January, 1877. [To witness.] You mean to cover that period?

A. Yes, sir; from the latter part of November I induced quite a change.

Q. You testified, the other day, that the boys, since this investigation began, had been more insubordinate than before?

A. Yes, sir.

Q. You mean more insubordinate than in January?

A. Yes, sir; than they were in January.

Q. You just testified that punishments were more frequent in January?

A. Yes, sir.

Q. And the cause was the insubordination of the boys?

A. Yes, sir; in consequence of the worst elements being left out.

Q. Did you have less corporal punishment?

A. Yes, sir.

Q. And did you refer to punishments of all kinds?

A. I wish to be understood, that the corporal punishments from February were reduced, in consequence of the worst elements being locked up.

Q. How much reduced?

A. I am not prepared to state. The records are here, and the information can be obtained from them.

Q. Were the punishments, last month, more than in February?

A. I am not prepared to state.

Q. In other words, you do not know?

A. I could not swear positively about it.

Q. What is your impression?

A. My impression is, perhaps, there was a little gain in corporal punishments during the month of March.

Q. Have there been as many corporal punishments in the month of March as in January?

A. I don't think there has been.

Q. Why not?

A. The riot occurred January 12, and after that time, as I said before, the worst elements in the school were locked up.

Q. You testified, in the direct examination, that the boys had been more insubordinate since this public examination began?

A. Yes, sir; and the public examination had not begun in February.

Q. Are you in the habit of examining the records of punishments made from month to month?

A. Not always, sir.

Q. Do you ever examine them?

A. Sometimes.

Q. How often?

A. When the reports came to me, if I had time, I looked them over.

Q. You should have received 20 reports in a month, should you not?

A. There is no number fixed, because 20 officers might not punish.

Q. How many officers had blanks in their possession?

A. Every male officer was furnished with blanks, and it was optional with them whether to fill them out; it was based upon the punishment.

Q. How large was the number of officers? Was it 20?

A. I should think it as large as that.

Q. How many of that 20 were in the habit of reporting each month?

A. Perhaps there might be 10 or a dozen, or more.

Q. Why did not the other 10 or 8 report?

A. They might not have had any occasion to punish.

Q. Now, did you examine the records of those who reported, sufficient to judge which of those 10 or 12 punished most?

A. No, sir.

Q. You did not?

A. No, sir.

Q. Would it surprise you to hear that Mr. Hinckley punished less than most of the officers?

A. No, sir.

Q. Do you think he did punish less than most of the officers?

A. He may have punished less than some; I think there were others who punished a little more than he did.

Q. Do you happen to know how many boys Mr. Hinckley punished in one month?

A. It is my impression, that some months he punished perhaps 8, more or less.

Q. Do you know how many blows he struck those boys in any one month?

A. From 10 to 20.

Q. That is from 80 [to 160; that would amount to 80 or 160 blows. Did you ever see a record of Mr. Hinckley's punishment, in which 180 blows were recorded in one month?

A. I do not remember that I ever did.

Q. How many boys did Mr. Hinckley have under his charge?

A. On an average, about 24.

Q. How many did Mr. Leach Clark have?

A. Seven to 10.

Q. Never more than 10?

A. His duties were that of hall-man besides.

Q. As testified to by him?

A. Yes, sir; sometimes Mr. Clark was called upon to perform duty in the dining-hall; he had one section in the dining-hall.

Q. His average number of boys was between 7 and 10?

A. In his regular department.

Q. Suppose we call it 10?

A. But that would not be a fair average for his duties in the sleeping and dining halls.

Q. Now, Mr. Leach Clark reported that his punishments in the month of June, when, according to your testimony, he did not exceed an average of 10 blows, Mr. Leach Clarke struck 110 blows in the month of June. In the same month of June, Mr. Hinckley's punishments, for 24 boys, were 60 blows. Does that agree with your impression about the relative punishments of the two officers?

A. I wish to be understood, that Mr. Leach Clark had duties in the sleeping-hall and in the dining-hall, in addition to having charge of those 10 boys in the sleeping-hall; so that would not be a fair basis.

Q. Do you know what the number of blows inflicted by Mr. Clark in any one month was?

A. I do not remember, sir.

Q. Do you know what the number of blows inflicted by Mr. Hinckley was?

A. Not positively.

Q. Are you aware of the fact, that Mr. Dudley, one of the officers, according to his own record, struck 330 blows in any one month?

A. I did not realize it until yesterday.

Q. How was it brought to your attention yesterday?

A. I think it was you that brought it to my attention yesterday.

Q. In private?

A. Yes, sir.

Q. Was Mr. Dudley a good officer? Was he what you call an efficient officer?

A. Yes, sir; he was an average officer.

Q. Was Mr. Hinckley what you call an inefficient officer?

A. In his department.

Q. Whether or not your opinion of the comparative efficiency of those two men was based upon the fact of Mr. Hinckley having struck half so many blows in a month that Mr. Dudley did?

A. I never measured either man by that standard.

Q. Did you ever consider the matter at all?

A. I cannot say I did.

Q. You testified in your direct examination that you felt under some obligation to retain Mr. Hinckley; will you explain to the Committee what you meant by that?

A. I do not know as I put it in that way.

Q. What did you say?

A. I said I was interested in Mr. Hinckley because I was instrumental in getting him there.

Q. Well, explain how Mr. Hinckley happened to go there.

A. Mr. Hinckley was recommended to me by Col. Tufts of the visiting agency. I was in the office of the visiting agency one day, speaking about affairs at Westborough, and Col. Tufts said that Mr. Hinckley would probably get through with his business with him, and he might be a suitable man for me. So I had some correspondence with Mr. Hinckley subsequent to that time.

Q. Did you feel under any obligation to take Mr. Hinckley in consequence of your relation with Mr. Tufts?

A. I don't know that I did.

Q. Did you appoint Mr. Hinckley for the sake of getting a good officer, or giving Mr. Hinckley a good place?

A. Mr. Hinckley was appointed by the executive committee.

Q. At your nomination?

A. Yes, sir.

Q. Did you nominate him because you expected to get a good officer, or because you wanted to give him a place?

A. I expected I was going to get a good officer.

Q. Which was the controlling motive in your mind?

A. I expected to get a suitable person for the place.

Q. When you found him an unsuitable person, why didn't you discharge him?

A. It was not my duty.

Q. Whose duty was it?

A. The executive committee, or the trustees.

Q. Why didn't you discharge him?

A. I can't answer that.

Q. Had you talked with them about it?

A. Yes, sir.

Q. Please state the conversation, so far as you remember it.

A. I can't remember all the conversation that transpired.

Q. State the substance of it,

Mr. HYDE. Do not the reports put in give the facts? I guess Mr. Sanborn heard it. He was changed.

Mr. SANBORN. That is six months before.

Mr. HYDE. But they changed him to give him a trial in another place.

Mr. SANBORN. But I want to find out about the other place. [To witness.] You found Mr. Hinckley an unsuitable officer?

A. He wasn't filling the place he was appointed to in a satisfactory manner.

Q. You regarded him as inefficient?

A. Yes, sir.

Q. Did you think him capable of taking charge of the Farm House?

A. Yes, sir; I thought he would do better the second year than the first.

Q. Did you think the change for the better?

A. Yes, sir.

Q. Did you ever change that opinion?

A. Yes, sir.

Q. When did you change it?

A. In the month of January, after he had been at the Farm House.

Q. What day in the month of January?

A. January 9.

Q. When did you recommend his discharge to the executive committee; after that date?

A. After January 9?

Q. Yes, sir.

A. I did not recommend his discharge after that date.

Q. Why not?

A. Because I didn't.

Q. Yes, but why not?

A. Because I didn't.

Q. Well, but why not; you must have had some reason. You stated you believed him a suitable officer, and changed that opinion on the 9th of January; and you previously testified that you recommended the executive committee to discharge him?

A. Recommended the executive committee to discharge him? I did not so state.

Q. What did you state?

A. I did so in conformity with the by-laws; and for the information of the Committee I will read chapter three of the by-laws of the institution defining the duties of superintendent [reading]: "The superintendent shall be responsible for the condition of the institution, shall personally see that the officers are efficient in the discharge of their duties, and report to the executive committee any remissness on the part of any officer, that he may be forthwith dismissed."

Q. When did you report to the committee that he was inefficient?

A. July 1.

Q. You did not make any such report after discovering his inefficiency at the Farm House?

A. No, sir; because I did not have any occasion to make a report.

The trustees had a quarterly meeting, and the next meeting would be in April.

Q. Was it your intention to report him ?

A. I think so.

Q. Are you quite positive about it ?

A. It was my impression that I should report him.

Q. Did you give Mr. Hinckley to understand you would report him ?

A. No, sir.

Q. Did you give anybody to understand that you should ?

A. I do not know that I did, except in this way ; I directed Mr. Hinckley to repair a portion of the road leading to Westborough, and he did not do it in a proper manner. Complaint was made, and I took another man, whose duty it was not to repair the road, and he took the boys and did the work Mr. Hinckley failed to do.

Q. Had you reason to suppose Mr. Hinckley expected you were going to recommend his discharge in April ?

A. I do not know what he expected.

Q. Have you any reason to think he did ?

A. I do not know of any.

Q. Have you any reason to think he thought so ?

Mr. HYDE. Is it right to ask him what he thinks another man thinks ?

Mr. SANBORN. I asked him, "Had you any reason to think that Mr. Hinckley thought so?"

A. Yes, sir ; I will state what my impression was.

Q. Very good.

A. The farmer occupied a portion of the house with Mr. Hinckley. The farmer, Mr. Campbell, and Mr. Hinckley didn't seem to get along very well together. On one occasion Mrs. Hinckley came up to the superintendent's room, in the main building, and said Mr. Campbell's folks were constantly complaining of the manner in which she had done her work. I told her I had not heard anything about her work, and she had better go back and do the best she could and the trustees would attend to that matter.

Q. Was anything said about Mr. Hinckley in that conversation ?

A. I do not remember that anything was said.

Q. Did you report to the executive committee that Rawson ought to be discharged ?

A. No, sir.

Q. Why not ?

A. Because it was a matter for them to pass upon.

Q. Haven't you just read a by-law requiring you to report such cases ?

A. Yes, sir ; I have.

Q. Did not that apply as much to Mr. Rawson as to Mr. Hinckley ?

A. I don't know when his incapacity commenced.

Q. Were you satisfied with Mr. Rawson's capacity ?

A. Mr. Rawson was hired as a farm-hand, and he was drawn away from his duties to take Mr. Hinckley's place during his business in Boston.

Q. Was not that by your consent?

A. It was forced upon me. It was not my consent; I had no other available choice.

Q. It was done by your authority?

A. Yes, sir.

Q. Were you satisfied with Mr. Rawson's duty at the institution during the month of February?

A. I did not know he was at the institution; his business was down at the farm; he was only a farmer.

Q. Were you satisfied with his duties during the month of February,—that is, duties in connection with the Westborough Reform School, in February?

A. With everything, except the whipping.

Q. Were you satisfied with that?

A. No, sir.

Q. Why didn't you report that to the committee?

A. Because it was reported to the Committee of the Legislature who were investigating the matter, and I didn't see any necessity for my going any further. It had become a public matter.

Q. Did it relieve you from your duty as superintendent?

A. I do not know that it relieved me. I did not make any special communication to the trustees?

Q. Was he discharged by the trustees?

A. He was discharged by the farm committee.

Q. Who are the farm committee?

A. Mr. Harvey, Mr. Baldwin and Mr. Cummings.

Q. When was he discharged?

A. Last Thursday or Friday; I am not quite sure which day.

Q. I did not mean to say, when did he leave the institution, but when did your committee notify him he must leave?

A. I think, last Friday.

Q. Are you quite sure of that?

A. To the best of my recollection.

Q. Had you talked with your committee, recommending his discharge?

A. I don't remember that I said anything about his case.

Q. Was the discharge in accordance with your best judgment?

A. Yes, sir; I think it was a proper thing to discharge him.

Mr. PRESCOTT. Excuse me; it has not appeared yet to the Committee that he has been discharged.

Mr. SANBORN. This witness states so.

Mr. PRESCOTT. When we were at the institution, on Wednesday last, the chairman of the trustees said he had not been discharged?

Mr. HYDE. After it was known that the Committee were going to the institution, it was felt that the whole Committee would want to hear his testimony, and that it wouldn't be proper to prevent that opportunity. After the Committee completed their examination of Mr. Rawson, he was discharged; but while the trustees knew the Committee were going

there, it was thought it wouldn't be proper to deprive the Committee of asking him questions.

Mr. LOWE. When was it that the Committee had that matter under consideration?

The CHAIRMAN. A month ago.

Mr. LOWE. Not at the time we were there.

Mr. SANBORN. The statement of Mr. Hyde doesn't agree with the statement of Mr. Baldwin, one of the trustees, which was to the effect that late at night on the day when the trustees met, on Tuesday, the day before the Committee were there,—that late at night on Tuesday, or rather early Wednesday morning, about one o'clock, after he went to bed,—Rawson was discharged. That is what I understood Mr. Baldwin to say.

Mr. HYDE. You are mistaken. I was there at the time, and the question came up before the trustees, and I said I don't think it proper to discharge Mr. Rawson, with the Committee coming next day. I thought the Committee would like to hear Mr. Rawson; and, besides, it would be said it was done to prevent his testifying. The president was there during the day, and after he, Rawson, had testified, and there was nothing further, the president said they proposed to discharge him, and it was done next day.

Mr. PRESCOTT. But the offence was committed two months ago. They did not know of it till a month after the offence was committed.

Mr. HYDE. But they had no regular meeting until April. After this Committee met here, one of the first things said was, they should go to Westborough, and it was referred to a committee. Out of respect to this Committee it was thought best that they should have a full opportunity to make a full investigation. Probably Rawson would have been discharged on Tuesday but for the Committee going there.

Mr. SANBORN. That was my understanding of the explanation of Mr. Baldwin.

Mr. HYDE. It was the day of the annual meeting of the Young Men's Christian Union, and he had to come home.

Mr. SANBORN. It was on Friday. [To witness.] Do I understand that you requested any of the trustees to discharge Rawson?

A. I made no request.

Q. Did you make any request?

A. No, sir; otherwise than having a general talk about the investigation.

Q. Have you not power to suspend an officer without consulting the trustees?

A. Yes, sir.

Q. Have you ever exercised that power?

A. Yes, sir.

Q. In what case?

A. In the case of that lady teacher who was complained of for whipping a boy.

Q. Did you suspend her immediately upon learning the severity of the punishment?

A. It might have been a few hours afterward—after I investigated it sufficiently.

Q. Was it not the same day?

A. I don't remember.

Q. It was either that day or the next day?

A. I think so.

Q. Why did you not take that course with regard to Rawson?

A. Well, sir, I think it would be a very unwise thing for me to take action in that matter, inasmuch as a sub-committee of this Committee visited the school to act upon the case before it had been reported to me by any one.

Q. Is it your idea of the laws of this Commonwealth, that a legislative committee has any share in the government of the institution which is under your charge?

A. They may not have any direct control, but that matter was one that there was a question about. It was a matter concerning the public, and I think it would be very injudicious for me to discharge any man or suspend him under those circumstances, especially so when the man was not at his regular post of duty.

Q. Whether you would think, Col. Shepherd, that the fact that he wasn't at his regular post of duty, would be an additional reason for suspending him?

A. Why so?

Q. Because you expect officers to be at their regular posts.

A. I do so; but I had no man to put in his place.

Q. Was not this his regular post of duty that day?

A. How can you call it a regular post of duty, when a man was taken away from his regular post of duty, to do the work of a man down at the State House?

Q. Was it not his regular course that day?

A. I cannot see where the regular comes in.

Q. Wasn't it his proper course of duty that day?

A. Yes, sir.

Q. He was there by your consent and authority?

A. Yes, sir.

Q. Now, why did you make a difference in the case of this lady and Rawson? Have you given the only difference?

A. I have, sir.

Q. Now, you had an officer named Festus Faulkner?

A. Yes, sir.

Q. Is he at the institution?

A. Yes, sir.

Q. He succeeded Mr. Clark in charge of the boys?

A. Yes, sir.

Q. Have you examined his records of punishment?

A. Not specially; no, sir.

Q. Whether or not, you are aware of the fact, that whereas Mr. Clark struck 110 blows in the month of June, Mr. Faulkner reported but 111 blows in four months, commencing in August?

A. Mr. Faulkner did not perform the duty in the dining-hall that Mr. Clark was called upon to perform; and, consequently, did not have so many boys under his control.

Q. Were you aware of the fact I have just mentioned?

A. Of the difference in punishment?

Q. Yes, sir.

A. Yes, sir; and I account for in the way I have just mentioned.

Q. When did you become aware of it?

A. When you stated it.

Q. Just now?

A. Yes, sir.

Q. And this was the only knowledge you had of the difference in the punishment—a difference of 25 per cent.—between Mr. Clark and his immediate successor?

A. Yes, sir.

Q. Is that a fair example of the strictness of the manner in which you examine the records of punishments?

A. I cannot say it is.

Q. You testified, the other day, that you kept no record of your own punishments?

A. Yes, sir.

Q. How many punishments with the strap have you inflicted, according to your best recollection, since the 1st of March, 1876,—that is, from the 1st of March, 1876, to the 1st of March, 1877?

A. I may have punished perhaps a dozen boys.

Q. Have you punished any more than once?

A. I don't remember that I have.

Q. Can you give the names of those boys?

A. Lutz, Miller, Ryan, Fernald, Cogger. I cannot call to mind any more just now.

Q. Will you give the Committee the names of the others?

A. I said I cannot recall them.

Q. Yes, but you may refresh your mind. Will you give the names of the others?

A. I cannot recall them now,

Q. You said you punished about a dozen?

A. I think about a dozen.

Q. When was Fitz-Gibbons punished?

A. I think in January, 1876.

Q. What was the greatest number of blows you gave any of those boys?

A. Perhaps 13 or 14.

Q. Which boy was that?

A. Ryan.

Q. What was his offence?

A. For using violent and profane language to the officer in charge of the lodge, and threatening him with violence.

Q. Which of these moral persuaders did you use? [Holding up the leather straps and traces.]

- A. It may have been that flat strap, sir.
- Q. You used that on all these boys ?
- A. No, sir ; I have another one that I use sometimes. [Taking a small one from his pocket.]
- Q. Is this your own particular strap ?
- A. No, sir ; it is around in the office all the time.
- Q. You have no particular strap ?
- A. No, sir.
- Q. Have you used this strap ? [The round one.]
- A. Yes, sir ; I testified to it yesterday.
- Q. What end struck the boy ?
- A. The flat end.
- Q. Did you select it because it was split in this way ?
- A. No, sir ; I found the strap in the institution, and used it.
- Q. Does it not resemble what is called the cat ?
- A. No, sir.
- Q. Did you ever see a cat ?
- A. No, sir ; I have heard it described.
- Q. How many tails has it ?
- A. Sometimes nine.
- Q. Have you used this strap ? [The long, narrow strap.]
- A. No, sir ; I don't think I have.
- Q. Have you used this one ? [The thick trace.]
- A. No, sir.
- Q. Have you used one in size and weight resembling that ?
- A. No, sir ; I don't think I have.
- Q. And you have used these three ?
- A. Yes, sir.
- Q. And you testify that in the year you flogged about 12 boys ; now, on what part of the person did you make the blows ?
- A. Sometimes on the hand and sometimes on the buttock.
- Q. Upon how many boys did you administer blows upon the buttock ?
- A. Well, perhaps half of them.
- Q. Were their persons exposed at the time ?
- A. Yes, sir ; about as much as when going to bed, but not so much, sir, though, as while going in bathing. When going in bathing they are exposed. Every boy, when going in bathing, is undressed in the presence of the officers.
- Q. But he is not flogged in the presence of the officers ?
- A. No, sir.
- Q. Are any other persons present when you flog these boys on the bare person ?
- A. No, sir.
- Q. In what part of the institution were these paternal punishments inflicted ?
- A. One in the lodge, I think, and one in the superintendent's office ; and it may have been in the basement.
- Q. You have children, Colonel Shepherd ?
- A. No, sir.

Q. Have you ever known a father to punish his own son with an instrument resembling either of these?

A. I have never had any special conversation relating to that.

Q. Never known such a case? What is your idea of paternal punishment?

A. Well, I suppose it ought to be as mild as possible, and it ought to be increased if necessary.

Q. You have never known paternal discipline of the kind you describe; I mean the kind inflicted by yourself upon these boys?

A. I have never had any conversation upon that point.

The CHAIRMAN. Well, you ask him if he has known paternal discipline in the form of a leather slipper.

Mr. SANBORN. I have no objection to asking the question. [To witness.] Have you ever known paternal discipline in the form of a leather slipper upon one part of the person?

A. I have heard about it, but have never seen it.

Q. How old were these boys?

A. About 14 to 17.

Q. Weren't the most of them 14?

A. I think so, sir. This Ryan boy was 18.

Q. You testified, Colonel Shepherd—I was very glad to hear the testimony—with regard to affecting funeral services of the boy who died soon after you went to the institution; what was his name?

A. Washington.

Q. Were similar services held over the body of Gartland?

A. The services were held in the chapel, and the body was placed in the tomb to await the arrival of the friends, an officer having been sent to Boston for the purpose.

Q. Did the pupils of the institution attend that funeral in the same manner, and under the same circumstances, as the one you described?

A. They attended the services in the chapel, but there was no outside demonstration.

Q. Why not?

A. On account of the circumstances attending the death; I thought it would be very improper to make any outside display.

The CHAIRMAN. Will you ask Colonel Shepherd about those services in the chapel. The boys testified that they were called in the chapel and saw the body of Gartland, but no question has been made about the remarks of Colonel Shepherd to the boys, at that time.

Mr. SANBORN (to witness). Whether or not you made remarks at that time?

A. I made no other remarks than those of inviting the boys to march around and view the body. The clergyman conducted the services.

Q. Did you explain the manner of Gartland's death?

A. No, sir.

Q. Why not?

A. I did not know any reason why I should.

Q. Did you explain to the boys the manner of Washington's death?

A. Not specially, because his sickness was announced to the boys by

Mr. Ayres, one of the trustees. That was one week, perhaps, before he died.

Q. Did the boys, generally, know the manner of Gartland's death, at the time of his funeral?

A. I do not think they did know the manner of his death, judging from the statements that have been sworn to here, that the boy named James Crowley told Francis Hinckley that the boy was flogged to death. If that was the impression, I do not think they understood the nature of his death.

Q. Did the boys understand from you the manner of the boy's death?

A. They did not from me, sir.

Q. Did your officers understand it from you?

A. The circumstances that transpired in the room were talked over, among the officers, quite freely. I do not know anything that was said about the death. I think it likely considerable was said.

Q. Was there any inquest held?

A. Coroner Newton was notified, but he deemed an inquest unnecessary.

Q. Do you know why he deemed an inquest unnecessary?

A. I do not know.

Q. Were any witnesses called?

A. I do not know, sir.

Q. Don't you know whether Dr. Harvey was called as a witness to that inquest?

A. I think Dr. Harvey was present. He notified the coroner.

Q. When were the family of Gartland notified of his death?

A. Gartland's death occurred on Saturday afternoon, and an officer was sent immediately.

Q. At what hour?

A. Between four and five o'clock, I think, to the best of my recollection—in that vicinity. An officer was sent to Boston the next morning—Sunday morning—to inform the relatives of the boy.

Q. Did you know the address of the family?

A. It might have been on the book, but I think the officer went to police station 15.

Q. Why didn't you telegraph to the family?

The CHAIRMAN. Is not that going into particulars a little too much?

Mr. SANBORN. I never knew such a case before, and I think it warrants it.

The CHAIRMAN. Make it as brief as you can. I think it is immaterial testimony.

WITNESS. I deemed it my duty to send an officer to the family and ask what disposition should be made of the body. I could not do that with the same result by telegraphing as well as by sending a messenger.

Q. When did the funeral services take place?

A. On Sunday.

Q. Between that time and the time your officer reached Charlestown, had any of the family reached Westborough and attended the funeral?

A. No, sir; but the body was held subject to the order of the father. It was placed in the tomb.

Q. Why was there not time given to the father to attend the funeral?

A. Because, sir, the Catholics have a service for themselves.

Q. What did I understand you to mean?

A. The Catholic Church have services of their own.

Q. Do you mean to say the father would not attend?

A. I do not know; we did our duty.

Q. You simply held the funeral before the family could be present?

A. The priest was notified, and he thought the body could not be received in the consecrated ground.

Q. Where did you dispose of the body?

A. It remained in the tomb until the arrival of Gartland; that is, the father of the boy, and another man who came with him.

Q. What was then done with it?

A. I think it was afterwards put into the cemetery.

Q. Now, have you any explanation of the cause of the Gartland suicide?

A. No, sir; I haven't any.

Q. Did you ever see anything in this boy's conduct which led you to fear suicide?

A. I knew he was a violent and passionate boy. I had promoted him to the Garden House on one occasion, and the master reported that he was discontented, and he could not get along with him, and he returned to the main building. He was afterward promoted to the Peters House, and also ran away; and then he also escaped another time from the main building.

Q. Did you see any evidence in him of a wandering mind?

A. I did not notice any; no, sir.

Q. What was his age?

A. I think his age was between 19 and 20.

Q. Whether or not you believed at the time that his punishment was severe?

A. I did not; I didn't have any occasion to believe so.

Q. Have you at any subsequent time believed his punishment was severe?

A. No, sir.

Q. You testified, Mr. Shepherd, yesterday, that you were opposed to corporal punishment?

A. I said I did not favor it, except as a matter of necessity.

Q. What sort of a punishment do you consider that which Rawson inflicted on the three boys in his charge?

A. What sort of a punishment?

Q. Yes, sir; is that corporal punishment?

A. It is called so by some; yes, sir.

Q. Do you favor punishments of that kind?

A. I did not favor the punishment inflicted by Rawson; that is, I did not approve of the instrument used.

Q. Did you censure him for that punishment?

A. I censured him in this way ; that if he had any more boys to punish he should send the boys to me or to the farmer.

Q. Is that the only censure you made ?

A. I think that sufficient to prevent a repetition.

Q. When you examined the record of punishments put in by Mr. Dudley and Mr. Wheatley, and found that several boys had received 40 or 50 blows, were you, being opposed to corporal punishment,—did you examine into those cases ?

A. I do not remember that I made any investigation except in a general way.

Q. Did you inquire enough to know whether those blows were inflicted upon the hand or buttock ?

A. I supposed they were inflicted upon the hand.

Q. Did you make inquiries to ascertain whether this was so or not ?

A. I did not.

Q. Are you in favor of corporal punishments inflicted upon any part of the person except the hand ?

A. Yes, sir.

Q. What part of the person ?

A. On the buttock.

Q. You favor that ?

A. I think it is preferable to the hand.

Q. Why ?

A. Well, I have heard officers say that severe punishments upon the hand will produce sores and abscesses, etc.

Q. Whether or not you prefer corporal punishment with an instrument of this kind [strap], or with an ordinary ferule, such as is used in the public schools ?

A. I should prefer the strap.

Q. Why ?

A. Because punishment with a ferule upon the hand is more apt to injure the hand than with a strap.

Q. Do you mean that it is likely to produce more pain ?

A. No, sir ; I think it is more likely to injure it by strapping it with a piece of wood of any kind than a rattan would.

Q. In your use of corporal punishment, was your object to produce as much pain as possible ?

A. I do not know that that was a special object. The object of the punishment was to make such an impression upon the boy as would prevent repeating the offence.

Q. Did it have that effect ?

A. In some cases.

Q. In how many cases ?

A. Well, in some of the cases I punished, I noticed it did have that effect—not that I can give you the exact number.

Q. In half the cases ?

A. Perhaps so.

Q. Did you examine the record of punishments sufficient to know on which of the boys punished it had a good effect, and which not ?

A. No, sir. It is my impression that the result of the punishment was reported by the officer as being good.

Q. Are you aware that Mr. Dudley reported on a succession of punishments in one month, that they produced a bad effect?

A. I remember some punishments reported as having a bad effect.

Q. What was the character of the punishments?

A. It might have been corporal punishment; it might have been a mistake of Mr. Dudley.

Q. Did you examine into these punishments?

A. No, sir.

Q. Why not?

A. Well, sir, there were several reasons. For the last two years I have had more work to do than almost any one man can accomplish. The building has been enlarged, and my time has been occupied in one place and another superintending the boys and the enlargement, and I have not had time to investigate the reports.

Q. (By Mr. HYDE.) Was the enlargement made by using as largely as possible the boys of the institution?

A. Yes, sir; and the excavation was done by the boys, and the carrying of bricks and mortar was done by the boys.

Q. Who had the disbursing of the funds for the enlargement—the trustees?

A. Yes, sir.

Q. Whether they have been enabled to complete the work and keep it within the appropriation?

A. Yes, sir; they have kept it within the appropriation, and have a balance?

Q. About how much?

A. It may be about \$6,000; perhaps it may be more than that.

Q. (By Mr. SANBORN.) Is the work finished?

A. It is substantially completed; yes, sir.

Q. Is it actually finished?

A. It is ready for occupancy.

Q. But not occupied?

A. That is a matter for the trustees.

Q. Do not you know why it is not occupied?

A. I do not know their wishes and views.

Q. Why do you not know it?

Mr. HYDE. It is the hope of the trustees that this Legislature will furnish some relief for the school by classification, and therefore they have not moved in.

Q. (By Mr. SANBORN.) Is it furnished?

A. It is sufficiently furnished to accommodate from 120 to 125 boys.

Q. How much will it cost to furnish it completely?

A. To accommodate 200 boys?

Q. Yes, sir.

A. It depends upon what furniture is put into the shops and other places.

Q. Well, about how much?

A. It depends upon what kind of trade they intend to introduce.

The CHAIRMAN. Are you asking him as an expert?

Mr. HYDE. I don't see how he can answer the question as to what it will cost; if they are going to put in printing, as has been proposed, the expense will be very great. Ask him about how much it will cost to furnish the quarters for the boys?

Mr. SANBORN. Well, put it in that form. (To witness.) How much will it cost to furnish the quarters of the boys and officers?

A. I don't think it will cost anything.

Q. Is the furniture in?

A. No, sir; but we have furniture enough for nearly 200 boys.

Q. How much will it cost to provide the officers' furniture?

A. Perhaps a thousand dollars or less.

Q. Not exceeding a thousand dollars?

A. I do not think so.

Q. How much will it cost to provide apparatus for the work of the cheapest nature you have proposed to put in there?

Mr. HYDE. That is no practical question at all.

The CHAIRMAN. You need not answer that question except you can define what kind of work they are to put in.

Mr. SANBORN. I want to show that this \$6,000 will be used up before they put in the furniture.

WITNESS. The matter of introducing trades will involve an extra appropriation, because the trustees did not ask for an appropriation to cover purchase of tools.

The CHAIRMAN (to Mr. Sanborn.) Will you begin again on something more important?

Mr. SANBORN. Yes, sir; I was going on to something else, but at this moment I do not recollect it. [To witness.] You have testified, I think, that the cause of the trouble in Westborough has been the admission of the larger boys. That has been testified here, and I think you gave that testimony?

A. From what source?

The CHAIRMAN. Not the admission of the larger boys.

Mr. SANBORN. The admission of the larger boys at Westborough has been the source of the trouble, I think he testified.

WITNESS. I testified yesterday in regard to some changes, and also in regard to the material sent to Westborough, and I cited the report of 1874 to show that 116 boys in that school at that time who had been inmates of other institutions were reformed, and no other institution had less boys returned at any time under the age of 21.

Q. But that is your opinion; would you think the trouble had been occasioned by the admission of boys over the age of 14?

A. I testified yesterday that the cause of the trouble at Westborough was having those large and hardy boys mixed with the other class.

Mr. SANBORN. I haven't had time to read this testimony.

Q. (By Mr. DAVIS.) You suppose boys were liable to be returned there after 21.

A. No, sir.

Mr. SANBORN. Until 21?

Mr. DAVIS. I suppose he intended to say till 21.

Q. (By Mr. SANBORN.) I find that Joseph Langley suffered a very severe punishment in the sweat-box. He testified that he was 11 years old when he was admitted to the institution.

A. He was transferred from Monson.

Q. I find that Hector, the colored boy, was severely punished by Mr. Rawson, and he testified that he is now 18, and he had been in the institution 10 years, so he must have come when he was 8. Now, there are boys who have been severely punished, and who were admitted at what all consider a proper age—one 8 and the other 11.

A. Well, now, wouldn't you state the other part about Hector? He has been out on probation.

Q. What is it about the boy Hector?

A. He has been out on probation three or four times.

Q. And going out on probation makes them worse?

A. Some.

Q. How many were made worse by going out on probation?

A. Some return as failures; a great many go out on probation, and never return.

Q. What proportion of the boys discharged on probation come back worse?

A. It might be 12 to 20 per cent., perhaps.

Q. Not more than 20 per cent.?

A. Perhaps I have not given it a thorough investigation and examination.

Q. What makes the difference in the boys who go out on probation and get worse and those who improve?

A. Those who improve get their liberty, and do not come back again.

Q. Why should one class gain and the other class lose?

A. It is the same as you see in the streets every day. They have the choice, and one takes one, and the other the other; some go to state prison.

Mr. HYDE. I suppose it depends upon which way they went.

Mr. SANBORN. I suppose it depends altogether upon the nature of the places to which they go.

Mr. HYDE. And it depends somewhat upon the influence surrounding the boy.

Q. (By Mr. SANBORN.) Who selects the place where they go?

A. Sometimes the parents find places, and in every case it is the duty of the agent to investigate the place before the boy is released.

Q. Then a place is practically selected by the visiting agent?

A. Yes, sir.

Q. And approved by the trustees?

A. The trustees act upon the approval of the agent.

Q. These places are found by the agent, and they are supposed to be all good places?

A. They are supposed to be comparatively good people, living in Boston and elsewhere. A great many people in Boston feel a sympathy

for the boys, and many sign petitions for their release. All these circumstances are taken into consideration, and the trustees act upon their best judgment.

Q. From 15 to 20 per cent. turn out badly?

A. I should think it might be that.

Q. You testified yesterday that you thought about 30 boys in that institution ought to be in some other institution.

A. Yes, sir; I think so.

Q. What sort of an institution ought they to be in?

A. In an institution similar to that at Monson.

Q. Why not say house of correction, as we have 30 in the State?

A. I should be satisfied to put those 30 in some other place, and give relief to the school.

Q. Are they very bad boys?

A. I think they are, sir.

Q. And you think they would be kept there in the enlargement?

A. Yes, sir.

Q. Without communicating with the other boys?

A. Without communicating with them.

Q. Are your arrangements such as to keep them from communicating with the other boys?

A. In every part, except the hospital. When sick they would perhaps communicate in the hospital, but they would not be together in any other part of the institution.

Q. What is the age of those boys?

A. Well, perhaps from 16 to 20.

Q. Can you keep them there after they are 21?

A. No, sir.

Q. Do you propose to keep them there until they are 21?

A. If their conduct is such as to render it necessary, I suppose the trustees will be obliged to keep them there.

Q. Then your present proposition is to keep those 30 bad boys there until they are 21?

A. I don't know what the future may do.

Q. That is what I understood you to state.

A. If they don't improve, it would be for the proper protection of the community.

Q. Well, now, why not have those boys transferred at once to a prison where they could not communicate with the other boys?

A. Where is the prison that they can be transferred to?

Q. We will assume that there is one.

A. Well, there isn't one.

Q. Are you familiar with all the prisons in the Commonwealth?

A. I am familiar with the laws, that no boys can be transferred from Westborough to a prison, unless they commit an offence, and are brought before a court, and are convicted of that offence.

Q. Are not these boys constantly committing offences?

A. In what form?

Q. Don't answer my question by asking another. Are not these boys constantly committing offences?

A. They are constantly violating the rules of the school, but are not committing offences against the laws.

Q. Would not those offences send the boys to the house of correction?

A. Yes, sir.

Q. Could not some of these boys be sent to the house of correction for violating the rules of the institution?

A. In cases similar to the riot in January last.

Q. Or an assault upon an officer?

A. They might be sent, if judged guilty.

Q. Suppose the new state prison is finished, would you transfer those 30 boys to the new prison?

A. Yes, sir.

Q. You would prefer that to the other?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) I understood you to say the first day you testified that you thought the result of this investigation would be a great detriment to the boys; what did you mean by that?

A. I meant, sir, that the farmers and those who want the services of the inmates of such a Reform School would be rather chary about taking them, because in many instances when farmers come there for boys they are particular to inquire if they are sent there for larceny and other offences. If they are sent there for larceny, they don't seem to want to take them.

Q. How is the result of this investigation going to affect that? Do you mean to say that the bad character of the boys being brought out, the parties will be reluctant to take them in future?

A. I think so, sir.

Q. When parties apply for boys, is it not your duty to tell what offence they were sent there for?

A. Not unless I am pressed.

Q. Don't they always ask you what a boy was put there for, and what his conduct has been?

A. Not in regard to the offence; because we try to make the person making the application forget the offence, and take the boy upon the improvement he has made in the school.

Q. I understood you to say, yesterday, that the matter of corporal punishments had been discussed by the trustees at nearly every meeting since you were connected with the institution?

A. The matter has been talked over; yes, sir.

Q. At the meetings of the trustees?

A. Yes, sir.

Q. Are you usually present at the meetings?

A. Not all the time; a portion of the time.

Q. In what way has the matter of corporal punishment been discussed at the meetings of the trustees? What has been the nature of that discussion?

A. Well, some of the trustees have expressed the wish that it might be discontinued, while others thought it could not be discontinued with safety.

Q. Have the trustees at any time, at their meetings, called for reports in regard to the corporal punishments for the quarter preceding the meeting?

A. I don't recollect any such call being made. The reports are in the office, and when they are inspecting the register and other books, they have an opportunity to see them.

Q. Do you think—as you say the matter of corporal punishments has been discussed—that the trustees fully realized the amount and severity of the punishments at the institution?

A. I don't know, sir, whether they realized that the punishments were numerous or not.

Q. Have they had you before them, and questioned you in regard to the punishments, and the effect of those punishments.

A. I don't remember that they have.

Q. You don't mean to say, then, to this Committee that the board of trustees have systematically gone into the matter of the corporal punishments and the effect of corporal punishments in the institution?

A. They haven't, in my presence, taken up the matter in a general way, except as I stated,—that some of the trustees are opposed to corporal punishment, while others thought it should not be discontinued.

Q. But, as I said, you testified—you didn't testify that it had been talked over by the members individually; but you testified that it had been discussed at nearly every meeting of the trustees. Did you mean discussed in the meeting, or individually with you?

A. At their meetings.

Q. Did they, at any time, ask you in regard to the effect of punishment with the strap?

A. I don't remember now any particular case.

Q. Did they, at any time, ask you the effect of punishment by the sweat-box?

A. I don't remember a case.

Q. The sweat-box, I believe, was put in in April, 1875?

A. Yes, sir.

Q. You stated in your quarterly report in 1875, "for the punishment of such a class of boys"—having mentioned certain boys before—"I have caused a wooden box to be erected in the attic as a substitute for the strait-jacket, which I believe will prove more effective and healthy than detention in the lodge." Where did you get the idea of this sweat-box?

A. I had heard of the box being used at the school in Meriden, Connecticut.

Q. From whom did you hear that?

A. From an officer who had served there, Mr. Wheatley.

Q. How came you to introduce this sweat-box there, and afterwards state to the trustees that you had put it there?

A. I supposed it had to be put there by order of some person. I caused it to be erected, and so reported.

Q. Did you consult with any of the trustees before you put it there?

A. I don't remember that I did.

Q. Didn't you speak to Mr. Harvey about it?

A. I may have; I don't remember.

Q. Why should you introduce this sweat-box and have it all put up there ready for use before the trustees knew anything about the matter? It would seem to me to be the most natural manner to introduce the matter to the trustees and have them authorize you to put it up there.

A. I never called it a sweat-box.

Q. Well, the box.

A. That is what it is called, and that is what I reported.

Q. Why should you go to the trouble and expense of putting it up before reporting to the trustees?

A. I did so upon my best judgment.

Q. (By Mr. SANBORN.) Did you think it such an emergency that you could not get along without it?

A. I put it up and called their attention to it.

Q. (By Mr. PRESCOTT.) What did you mean by "more effective and healthy than detention in the lodge"? What did you mean by "more healthy"?

A. Because, sir, I have, on several occasions, conversed with the physician of the school, and he was of the opinion that the basement was not the proper place for the prison. In the new building they have been very careful to have close or strong cells in the second story.

Q. (By Mr. GILBERT.) How expensive a box was it?

A. I should not think it cost more than a couple of dollars, perhaps.

Q. Two dollars?

A. Two dollars; yes, sir.

Mr. PRESCOTT. The main point I wanted to make was this: Why he should introduce a punishment as unusual and as severe as that is, without consulting the trustees about the advisability and practicability of introducing such a mode of punishment. He just introduced it, and then notified the trustees it was there.

Mr. GILBERT. When the trustees saw the box in practice, they could judge better than otherwise.

WITNESS. They had established the strait-jacket by vote of the board of trustees, and in that way I substituted it for the strait-jacket.

Q. (By Mr. PRESCOTT.) Let me understand why you consider the box more healthy than confinement in the lodge. A boy is closely pressed in—if I understand it, and I think I do—and is there confined. In even very close confinement in the lodge there are windows where the sun comes in, and the cells are of comparatively good size and roomy, and it would seem to me to be just the opposite, that the lodge would be a much more healthy place than the box. Now, why do you consider that box the more healthy?

A. The lodge has been a place of ease to some of the boys in the school, and they went down there to shirk work. I consider the sweat-box more effectual as a punishment.

Q. Well, sir, I am considering the healthy object of it?

A. I have said that it was the opinion of the physician that it was not as healthy to have a prison in the basement as in any other place.

Q. Notwithstanding boys were confined there a fortnight at a time?

A. As a matter of necessity.

Q. Boys were confined there for some four or five weeks without their clothing?

A. One of those boys was awaiting the action of the board of state charities.

Q. Yes, sir; but I am now questioning you about the length of time they were kept down in that unhealthy place without clothes?

A. They had their bed-clothing changed twice a week.

Q. But no opportunity for dressing themselves for weeks in succession. Do you consider that healthy?

A. Well, but they could pace the floor with the comfortable wrapped round them. I have seen them.

Q. Why were those boys deprived of clothing in the lodge?

A. The boys had been confined in the dormitory, and while confined there, had forced the doors open and passed through the roof and escaped, and when they returned, their clothing was wet, and they were put into the lodge, and remained there, as has been described.

Q. Did they remain in the lodge four or five weeks, by your authority?

A. Yes, sir.

Q. How long?

A. From March 1 to April 2.

Q. About four weeks?

A. Yes, sir.

Q. (By Mr. SANBORN.) Did their health suffer in consequence?

A. Not that I am aware of.

Q. (By Mr. PRESCOTT.) Why did you order that those boys should be kept there without clothes?

A. I thought it a proper punishment for what they did.

Q. Are you very much surprised that boys, after being kept in the lodge some four or five weeks, without their clothing, and fed on bread and water, should, after suffering detention in that manner, create a disturbance, and make a noise and riot?

A. I don't understand that that was the cause of their making a disturbance and riot.

Q. Well, are you much surprised that they did?

A. I am much surprised that they did, after they were fed with food and rations, and had no other motive, except wickedness, to disturb a religious meeting.

Q. Don't you think that the long confinement of boys in that manner would naturally provoke the very feeling they exhibited at that meeting?

A. I don't know any reason why it should; and, if it did, I was not responsible for most of the cases, because an application had been made to the board of state charities for their transfer.

Q. Are you required by the rules to make a quarterly report to the trustees?

A. Yes, sir.

Q. What is required of you in regard to the report? What is the nature that the report is expected to be, or prescribed to be?

A. To report the doings during the quarter.

Q. The what?

A. The doings during the quarter.

Q. Was it not expected that you, as you make your report in writing once in three months, should report in regard to the condition of the school?

A. I think I did report in regard to the condition of the school, and the changes.

Q. I notice in this report, dated the 1st of July, 1876, that there is nothing said really in regard to the condition of the school, or the boys, or how many have been reformed, or what the general condition of the school was at that time. You state, on the first page, some statistics in regard to the school,—number in the school at previous report, and those received, and also those released. I see, by the way, in this report, that there were four eloped during that quarter, one of whom returned. How many boys have eloped from the school on an average a year, since you have been there?

A. Well, in 1873, the number was larger than in any subsequent year; because in May, 1873, before I went there, they had the large escape. I suppose the average might be 12.

Q. Twelve a year?

A. Yes, sir.

Q. While you have had charge of the institution?

A. Yes, sir. I would say that it don't cost so much to return those 12, as it did to return one when the school was under the former superintendent.

Q. Is it not expected of you that you would report to the trustees, at their quarterly meeting, in regard to the condition of the boys, and also the discipline, and everything concerning the best interest of the boys?

A. In regard to the condition of the boys, it comes up in a different form. When an application is made for a release, the investigation is made by the agent in regard to the home or standing of the person applying for the custody of the boy. Then I am called upon to make a verbal statement in regard to the standing of the boy in the school, and that I do in each case acted upon.

Mr. HYDE. We have two gentlemen here from a distance, and if agreeable I should like to have them examined. It has been done before.

Mr. PRESCOTT. How long would it take?

Mr. HYDE. It will not take a great while.

Mr. SANBORN. I would say that Mr. Allen proposes to examine Col. Shepherd further than he did. I would also remark that I don't expect to see Dr. Harvey here to-day, and I hope to see him here to-morrow.

Mr. HYDE. I was going to say that Mr. Sanborn had not made his usual remark.

Mr. SANBORN. I wish to state that Dr. Harvey will be called upon to explain the direct contradictions of which he has been guilty.

A. B. R. SPRAGUE—*Sworn.*

Q. (By Mr. HYDE.) You are sheriff of Worcester County?

A. Yes, sir.

Q. You have had several boys transferred to your charge from the Westborough Reform School?

A. I have.

Q. Where are those boys now in your custody, at Worcester or Fitchburg?

A. Do you mean those who came from the Westborough Reform School?

Q. Yes, sir.

A. I have a portion of them with me. Eight of the boys engaged in the riot are at the institution over which I preside, and the others were sent to the small prison at Fitchburg.

Q. Then you have eight at Worcester?

A. Yes, of those. Then, I have Jones, who is now temporarily at Fitchburg; I removed him from one prison to the other, and he is now at Fitchburg; and Plant is still there, and Fitz-Gibbons was discharged. There may be one or two others.

Q. Now, I would like to have you tell us, in your own way, in regard to these boys, their general character, and their characters as prisoners; what class of men there are there as men, and what class of boys there as boys—or in any way you may express it?

A. Well, in the shop, they are much like other prisoners; I don't know any special peculiarity, except, perhaps, they are more intelligent, at least, in the commission of mischievous tricks inside the prison, requiring constant vigilance. I may say, they are quite sharp, generally; but in the shop they give us no special trouble, except requiring extra vigilance to watch them. They are not boys, but they are men in habits. I think some of them are as bad as any, perhaps, we have; I consider Jones, who came from Westborough, as bad as any we have.

Q. Now, tell us a little about Jones, his appearance, and how he has been with you, and whether you have had any trouble with him?

A. Jones is an excellent appearing young man, and excites the sympathy of everybody who looks in his face. He has an ungovernable temper, but he is sly and dangerous. He was sentenced for 18 months to the house of correction, in February, 1876, and a few months following he made a violent assault upon an instructor in the workshop, a very kind man. He was told to go to work, and—

Q. (By Mr. DAVIS.) What is his name?

A. Gaffield. He was sent to the solitary immediately, and the assault was of such character, that I made a complaint; he was brought to the superior court in August, and there was held; the case was tried; there was no defence, and he was sentenced to 15 months additional imprisonment. He is now serving out the first sentence, and has not commenced on the second. I had a long talk with him after this, and he was exceedingly impudent; I asked him why he struck the officer.

Q. (By Mr. HYDE.) He is one of those who assaulted Mrs. Moore?

A. And Fitz-Gibbons was the other.

Q. Yes, Fitz-Gibbons was the other?

A. He said he was mad. The overseer of the shop had told him to stand up and work; he sat down, and the instructor went around and asked him to stand up in his place, and he drew his awl, which they have in seating chairs (with a blade four inches long, and sharp), and without any intimation or expectation from the officer that he was going to strike, he struck him; but the instructor's hand came up quickly to break the blow, and he got the blow on his hand, instead of his breast, as Jones intended to hit him, and as he told me afterwards. He said he didn't mean or wish to disobey the rules of the institution, but he was going to do as he had a mind to sometimes; that he had a temper he could not control. In the first place, he said he didn't care whether he was tried for it or not, but afterwards said he didn't want to be tried. I said it was a case I could not overlook, and it must go before the court; and it did. I kept him at Worcester a few months afterwards, and he said the time would come when he would retaliate in such a manner that would do great injury to somebody, after he got out of prison. I sent him to Fitchburg, to the small prison, and I thought it would do good to have him sent there; that it would do him good. He is always complaining about something, and never has anything quite right. But whenever he speaks with any of the Committee, or the county commissioners, or the overseers, he is one of the most genial, gentlemanly appearing young men, and to look at him you would say that he ought to come out in a week. But you cannot believe what he says. I regard him as a dangerous young man, who will spend his days in a prison, if he don't reach the gallows?

Q. What about the Fitz-Gibbons boy?

A. He behaved much better. I have had Jones in solitary several times, and I think I kept him there ten days; but he promised to behave well, and he came out. But I cannot remember that Fitz-Gibbons was sent to the solitary.

Q. Now, taking the class of boys together from that institution, what should you say as to the possibility of carrying on a Reform School with that class of boys there?

A. Why, they are criminals, and I think the place for criminals is—I don't mean a man who merely disobeys the law, but a man who is a real criminal. We have one who, I think, ought to be in prison. He has made two applications to me to see if I could not devise some scheme to transfer him to state prison. I asked why, and he said he would learn a trade there; and I said he might learn a trade there, but would not the odium which would lie upon you, after coming out of the state prison, more than counteract the good you obtained while you were there learning a trade? And he said he didn't know that it would.

Q. Are those you have received of the class of men that you could expect an institution to reform?

A. No, sir. I have hope, but it is very faint, that any of these young men will ever be good citizens that come to my prison. I have less hope in the reformation of prisoners now than I had two years ago. I have only been keeping prison two years, and my experience isn't as long standing

as many of you gentlemen. My faith in the reformation of the really criminal at heart is growing less and less every year. But when young men, starting on a career of crime, have been down to that institution, saying the things and committing the acts that they have, and are sent to our institutions; and, taking that in connection with their conduct and their letters, leads me to think there is not much hope but that they will spend their lives in a prison. We don't allow correspondence to go out of the prison, or come in, without reading it. But they write letters, some of which we cannot send out. They are full of slang phrases and criminal terms which indicate a hardness of heart which we can hardly expect from men in one sense and boys in another.

Q. (By Mr. HYDE.) Now, take the class of men you have there,—the young men,—and put them in where they have free access to the others younger than they, what would be their influence upon the younger men?

A. Why, it cannot be other than bad. They ought not to be associated. I do not know as it is possible to classify prisoners at the Reform School; I have never been there; but our greatest safety in the prison is to keep them from coming in contact. We keep them as isolated as possible, but still they come in contact, and will learn from each other something of wickedness. It seems to me, in that school, you have a large class of criminals who ought to be in prison somewhere, and ought not to be there.

Q. I understand. In fact, this is the point I would wish to speak of now. A young man who has been there and been sentenced as Fitz-Gibbons and some of these other boys, who have served out a period in the house of correction, it seems to me, ought never to go back to the Reform School, or to places where they will come in contact with boys who are not very bad. Now, take such a class as these you have received, and increase their number, perhaps not all, quite of that character, but a class of older boys, numbering from 50 to 100, and put them in an institution where there are perhaps as many boys, or perhaps twice as many boys, of a better class, and who left to themselves would be better, and then try to carry on that institution and preserve discipline, and preserve the property of the State—whether it is, in your judgment, an easy task?

A. I do not think it is, sir.

Q. Now, take generally the class of men that are in the house of correction from 18 to 25, and compare them with the older men or professionals as prisoners, and what is your experience in regard to that class of men?

A. The professional criminals, who commit the greatest crimes, the burglars, or robbers, who have served out terms in a state prison, they are the best behaved men I have. They require vigilance, and they are men whose cells are carefully looked after every day, but who never commit offences which send them to solitary. I have several such men who are the most dangerous men in the county, but who never commit offences so far as their conduct in prison is concerned, but are exceedingly clever; and yet I would not trust them a moment out of my sight. They know

good conduct always brings comfort in a prison, and if a man tries to do well and makes a mistake, he gets no punishment.

Q. Well, take the young man from 18 to 25, who is having his first experience?

A. He stumbles in the first instance; the first time he comes into prison he breaks some rule. He is not sent to solitary for that, because we take into consideration his position. He promises to do better, and does better very likely. But the young man who has been out from the time he is 12 or 14, until the time he gets to be 18 years old, is a good deal of a criminal, especially if he has to come in contact with criminals we have in our jails or reformatory institutions.

Q. Now, take a young man committed to the Reform School, who had been there three or four years and did not reform at all,—that is, belongs to what would be called, in that school, the criminal class, whether, in your judgment, it is any benefit to keep such boys there until they are 21? Can the institution do them any good, or will they exert a bad influence upon the others?

A. They ought not to be kept there; that is not their place. If they have not reformed then, they will not reform in all human probability. They will corrupt the others, who are more innocent, and teach them what wickedness they have learned. In my judgment, they ought to be separated. Isolation is the only proper treatment, in my opinion, in prison, or even in reformatory institutions; that is, to that extent, if possible, you may classify and keep a certain class of offenders from communicating with the others. But it is almost impossible for any one to tell where the line can be drawn. I am not certain that it can be drawn by years or by age. I think I have seen as accomplished a criminal at 15 as at any other age.

Q. Now, in regard to this class of men, are they careful men in their statements?

A. Well, I should not punish a man in prison upon any information given me from any prisoner, no matter how good his reputation might be, and even if I had always known him to be correct. I should not act upon any information I received in that way. He might be telling the truth, but it would be very dangerous to take the testimony of that class of men and believe they are telling the truth. There might, possibly, be a little truth, but the most of it will not be true.

Q. (By Mr. ALLEN.) You assume that they are all unreliable?

A. Well, they are all unreliable as far as this: they may tell you some truths. You may go into my institution, and if you ask a certain man questions, and if he knew he could talk with you freely, you would find he would answer you in this way. "Do you have good bread at this institution?" "No; it is sour, miserable stuff, and we cannot eat it." "Well, you have good meat?" "Sometimes the meat is not fit to eat; we cannot eat it." "Well, you have good clothing?" "Well, pretty poor stuff, anyway; we suffer with cold." They habitually frame a story and tell it, and it is entirely unreliable. Take their story, and you would suppose that the best prison in the State was a perfect hell, and a place where inhuman men tortured them. I have sometimes been puzzled to

know why they do it, but they do it. Their testimony is unreliable, and I should not punish a man upon any information given by a criminal. He might have told me the truth, but the chances are that he had some motive in lying. Now, during this investigation, there has been a little illustration of it. What is transpiring here in some way gets to their knowledge, and they know what is going on. It is almost impossible to keep it from them. It has an effect upon the prisoners; and if we had a very large number of boys, it would be very bad. This publicity is like letting them in here to see what is being done in regard to them. They see that there is a certain sympathy going abroad in the community in their behalf. Whether it is deserved or not, they like to see it burn and fan this flame. They like to feel that the Commonwealth is determined that this question shall be prepared, and that counsel shall be assigned to them, and their rights defended, and that they should be treated in that regard as a man would be who was arrested for a capital offence and has nobody to defend him.

Q. Then you think the testimony of prisoners, or of persons confined, should not be taken at all as a matter of testimony?

A. You may take it; but you must judge more closely than I could how much to believe. I should not dare to take it from my own men, with whom I have not the slightest trouble.

Mr. TRAIN. I think he said he would not take the testimony to punish upon their testimony. I do not understand him to say that he would not take their testimony, but that he would not act upon it in the way of punishment.

Q. (By Mr. PRESCOTT.) If they should testify in regard to punishments, or marks of punishments, you would consider that pretty good testimony, would you not?

A. I should consider that—well, I do not know. I should not get testimony in that way from them. That could be evidence that they had been strapped by somebody, evidently.

Q. How many prisoners have you?

A. Our average, for the year ending the first of October last year, was 175 in my house.

Q. You mean 175 in Worcester. How many in Fitchburg?

A. Eighty-three.

Q. Two hundred and fifty in all?

A. Yes, sir.

Q. Well, what is the average this year?

A. I think, this year there are 211 at my institution and 100 at Fitchburg.

Q. What is the average age of the prisoners?

A. I cannot say.

Q. Well, about; are they young men?

A. Yes, sir.

Q. Average about 25, should you say?

A. I should think they would average a little more than 25. We have got a large class of young men coming there. We have a different class in this Commonwealth from what we had six years ago. We have

got more young Irishmen who have been educated in our public schools, and who, if they take a wrong turn and get into the wrong direction, are very bad men. We have a great many of that kind of young men for breaking and entering.

Q. Have you a great many young men under the age of 21?

A. We have quite a number, not a great many; they run from 20 to 30.

Q. You spoke of Jones having committed an assault upon an officer, I think?

A. Yes, sir; I did.

Q. Did you use any corporal punishment after that assault?

A. We did not use any corporal punishment; he was seized by the officer. This man was in the workshop, and there were, perhaps, a hundred more men in the shop. He was the only man in there with them.

Q. The only officer?

A. Yes, sir. My instructions are very definite to all officers in the prison. We carry no weapons. I do not like weapons to be carried in the prison. I do not carry one myself, or allow anybody else to, but my instructions in regard to a case of assault are very definite, and cannot be mistaken.

Q. Did this officer overpower Jones?

A. He took Jones, and held him very closely for an instant, and carried him out of the workshop, and then he went to the guard-room for an officer to take charge of him.

Q. Were there other prisoners present?

A. About 100.

Q. And they did not seek to defend Jones in any way?

A. They did not; there was no opportunity.

Q. Well, the officer, then, was not unpopular with the men, evidently?

A. Well, I do not know what unpopularity means in a prison, exactly. I take it there are a certain number of men in the prison who, if they had the power and ability, would commit any act. They are held—100 men in that workshop—by one officer, from the simple fact that if they attack him it does not help them; they cannot escape in consequence of it. I have no officers, that I know of, that are popular or unpopular. I think the men are ruled in the prison as much by love as we can rule them by love, but I think fear of punishment of some kind is the only thing that keeps these men in my prison, or anywhere else.

Q. How old was Jones when he committed this assault?

A. My impression is that he is about 19 years old; he may be 20.

Q. What do you think the effect of corporal punishment would be upon a boy 19 years of age—upon a boy of a passionate nature like Jones; would it have any reforming tendency?

A. Well, as to the matter of corporal punishment, it would take me a long time to tell you what I believe in regard to it. I am bitterly opposed to corporal punishment.

Q. You do not want to have the power given you to exercise it?

A. I will not exercise it. I will not be in an institution where they administer it. I do not strike my own children, and I will not strike any-

body else. If I was attacked by a prisoner, of course I should use what means God has given me to defend myself. I am not certain at all that some light corporal punishment might not be best after all, but it is my opinion in regard to myself that I will not administer it, and I do not believe in it; that is, I think some other punishment would be better than that possibly could. I know my physician is a very able man, and he believes in the English system, that flogging should be maintained, because, he says, fear of punishment and fear of suffering is that which makes men do right or not do wrong, who have not moral propensities sufficient to make them do right because it is right.

Q. Do you not think it would be harder to govern these young men if corporal punishment were frequently administered to them? Should you think they would be more liable to make assaults and commit other like acts?

A. Well, this assault of Jones will answer a part of that question. I have never had charge of a large number of boys, and I do not know what ought to be done; I do not think I am qualified to judge.

Q. Have you had many assaults upon officers since you have been in charge of the jail?

A. Only two. One was by this boy from the Reform School, and the other was a dangerous assault made upon one of the officers.

Q. What work do you give the prisoners there?

A. They are all engaged in seating chairs.

Q. Is there any other labor?

A. Well, no labor, except what outside labor there is. There is the care of the prison, the repairs and painting, etc.

Q. Do you think these prisoners would be more apt to commit assaults, if they thought thereby they would effect means of escape?

A. I think I know that.

Q. These boys you have now under your charge, sent to you from Westborough, in January last; have you been obliged frequently to confine them in solitary?

A. Only two of the eight have been punished by solitary confinement.

Q. Who were they?

A. Dane and Kenny, I think.

Q. How long were they confined in solitary?

A. Dane was in solitary four days, and Kenny, three days.

Q. Have they been in solitary more than once?

A. No, sir.

Q. So that simple confinement had a good effect upon them?

A. Yes, sir; generally, as I have said before, I have been obliged to keep them in solitary ten days before they would promise they would behave themselves. The trouble is in the punishment; we must have some punishment in our institution, and we have solitary. But our solitaires are different, probably, from those in any other prison in this Commonwealth. Some of them are really places of confinement, and some of them are not. Men have gone to solitary willingly for three days in some of them, rather than go into the chair-shop and work.

Q. What has been the conduct of Edward Collins, who was the leader of the outbreak at the Reform School?

A. Edward Collins is at Fitchburg. He has only been at the institution a short time. I sent for him when the Committee were over to make an investigation. He desired to remain in Worcester, and asked permission to remain there, and said Dane would like to go to Fitchburg. I asked him why and how he knew.

Q. What has been his conduct?

Mr. HYDE. Let him finish.

WITNESS. While Collins was there, I gave positive instructions to keep them as far apart as possible; but notwithstanding all the vigilance of the overseers, they had had a conference, and he had come to me to see if he could not remain in Worcester and let Dane go to Fitchburg. I thought he had better go, and I sent him there.

Q. (By Mr. PRESCOTT.) What has been the conduct of Collins?

A. Mr. Dwinell, the keeper, knows better than I do, because he has been with him all the time.

Q. Do you know whether Collins has been in solitary?

A. One of them has; I think it was Quinn. I think Quinn has caused some trouble.

Q. (By Mr. HYDE.) One question, suggested by an answer you made. In regard to keeping these boys from communicating together when they are in the shop at work, whether they have facilities for that or not?

A. Yes, sir; they have, by all sorts of methods, by signs, by contact as they pass each other. They are very ingenious indeed; they know what is going on outside, and they confer with each other almost without seeing each other. I think isolation is what we need in our prisons. Of course we do not allow them to communicate. I think, in that way, if you can keep one convict from another, the better men will not become demoralized by contact with the worst. It is a very difficult thing in prisons, and I can conceive in Westborough, where they are let out and go to the yard and play together, that the influence of these boys who ought to be in the house of correction and state prison must be terribly demoralizing.

Q. (By the CHAIRMAN.) I would like to ask you, then, whether, under these circumstances, you think the ordinary modes of discipline would be sufficient to control prisoners or boys?

A. You mean by solitary?

Q. Yes, sir.

A. Well, that would be depending entirely upon solitary. My idea of punishment is this: If I had the way of constructing a solitary, I think I could make it so that it would be a place of punishment. I do not mean physical punishment; but I would have it so it would be isolation, so that men in solitary would not have conversation with each other. I would have it by itself, away, and I would not have any footfall reach the ear of the man in solitary except when food was brought to him by the keeper and when he was visited. I think that is a punishment which ought to be tried before anything else. I have never found anybody who has not, even with our system, promised to do better. But solitary should

be solitary; there must be some punishment; these men are held there and made to behave, most of them—not all. Some of them never get into trouble. Some men do not need much reform. They are men who are never going to prison any more. Then the keeper can pick out of his prison a large proportion of them who spend their lives in prison.

Q. (By Mr. PRESCOTT.) Do I understand you to say that if you were expected to inflict corporal punishment, you would not consent to hold the position you now hold?

A. I should not keep the prison, sir, with corporal punishment to be administered.

Q. (By the CHAIRMAN.) Are you familiar with the Westborough School?

A. Not at all, sir; not in the least. I have never been there. They must have some punishment; but, if I am correctly informed, their solitary does not amount to punishment; but I may not be correctly informed. A solitary is a place that should be solitary. The bread and water diet, even, will bring them to terms in the course of a few days.

Q. Do you not know more or less of the class of boys there, because you have had some of them?

A. I have had some of the worst of them, probably.

Q. Well, now that they are mingling together the bad and the good, can you conceive that some extraordinary means of discipline would be necessary?

A. Yes, sir; something must be done in such a place as that. I do not believe in putting so many people together; they cannot be classified, and it is utterly impossible, in my opinion, to make the boys of the Reform School work. Where you congregate a large number of people, and they are not classified or isolated, they come in contact, mind with mind, and leave their influence one upon the other. As for their punishment at Westborough, I know nothing about it. I am personally acquainted with Col. Shepherd, and with the officers, and they are humane men, and gentlemen. I only wonder they have the success they do.

Q. Why do you wonder at the success they have?

A. Because I conceive it to be one of the most difficult things to manage a large number of young men, where they are allowed to come together, where they must communicate with each other, and where, as I understand it, there is no punishment but by corporal punishment. I speak now because I have not been there, and because I have been informed that the lodges, or what are called solitary lodges, are no places of punishment. A man would go there from choice, perhaps, and stay there several days, on bread and water, instead of going into the chair-shop and working.

Q. Then, is it your deliberate opinion that you consider that on account of the class there, the success of the institution is greater even than you might suppose it would be?

A. No, sir; I do not say that. I do not know enough about the institution to give you a proper answer to that question. From the very little I know of it, and what I have heard from the officers and the men who have come from there, it has not been successful as an institution.

It cannot be a success, in my judgment, if it allows the putting together of criminals, and letting them come in contact with the boys who do not need much punishment, but who have unfortunate surroundings, and who may need a little reforming and sending home to their friends. I do not expect that this is a reformatory institution. With these two classes of boys here mingled together, I do not suppose it will be a success, or that it can be a success.

Q. (By Mr. GILBERT.) You say that the prisoners correspond with their friends outside, and also that they receive letters from their friends?

A. They do; and these letters are read.

Q. Have those boys that have been sent from Westborough to Worcester, always corresponded?

A. They have.

Q. What should you judge, from the nature of their correspondence or letters, of their character? I refer particularly to those boys who have been sent from Westborough.

A. Well, I have one now who writes a very handsome letter. He does not use slang phrases, and though I do not consider him a good boy, yet he covers his character in his letters very well. There is another one who writes letters full of slang phrases, and I have been obliged to send them away because they ought not to go out of prison. It would be a shame and a disgrace. He speaks of this examination and of what the Commonwealth is going to do with them, and says, "We will get square with those fellows yet," and used such phrases as, "We will fix 'em yet; the State are investigating, and are looking after us, and we are —" the phrase has gone from me now, but it is one of several well-known phrases that could be used. The letter was full of slang phrases. I did not preserve it, but I would have preserved it if I had known I was coming before the Committee, and would have liked to have you see some of the writing that goes out of the prison. Other letters will be perfectly proper, exceedingly so, with no improper communication or improper language. There are one or two very good writers. Dane is an excellent writer and penman, and a pretty good scholar.

Q. (By Mr. ALLEN.) How many men did you say you had in this shop where the assault was committed?

A. About 100; sometimes 125, and sometimes 65.

Q. One man has charge of that shop?

A. One man is in charge of it. I have an instructor, who is a sort of spare hand, and when there is anybody sick I take him out.

Q. And a good many of these in here are young men?

A. Yes, sir; a good many.

Q. They are not selected for their character at all, but for their age and ability for this work?

A. They all go to work in the shop, and we have a certain number of them about the prison and kitchen. We do all the work in that way.

Q. You were speaking of the success of the Westborough Reform School; what will you say of the success of an institution where a man, having charge of 30 boys, administered 69 floggings, comprising over 1,500 blows, within eight months?

A. Before I could decide whether he had punished them more than he ought to or not, I should have to know all the particulars; and I looked this morning to see how many punishments we had had in the prison for the six months ending the first day of April; I found there were a little over 100 that we have been obliged to send to solitary.

Q. Well, that would be at the rate of 100 men, 700 punishments and 5,000 blows in a single month.

A. Well, if that was the punishment to be administered, I should not judge I could tell. It might not be sufficient, and it might be ten times too much.

Q. I understand you to say you would not administer physical punishment at all. Now, supposing corporal punishment was to be administered, what do you say to the method of taking a young man of 16 and taking down his pantaloons, and strapping him with a sole-leather strap upon his naked person?

A. It would be very effective, I should think.

Q. We all agree to that; but as to its propriety?

A. Well, that depends upon the blows given, and whether the clothes are up or down, and as to the severity of the punishment.

Q. Well, is it your opinion that is a proper method of administering corporal punishment?

A. As I say, I do not believe in corporal punishment, and I would rather have some other way.

Q. (By the CHAIRMAN.) His question is whether, if you are to administer it, that is the proper way?

A. I should think that it would be a very proper way, if it was not too severe.

Q. (By Mr. ALLEN.) If corporal punishment is to be administered to a young man from 18 to 20 years of age, what do you say to the method of taking down his pantaloons and strapping him with a sole-leather strap upon his naked person?

A. Well, as I say, I do not believe in corporal punishment; but if that is the punishment prescribed, I do not see any impropriety in it.

Q. Well, here are punishments prescribed, and if you are to have corporal punishment, the strap may be used to that extent?

A. I do not believe in flogging.

Q. (By the CHAIRMAN.) But if you were going to flog him at all?

A. Yes, if you have got to bring him to terms, that is the way to do it. The CHAIRMAN. That is what we want you to say.

Q. (By Mr. ALLEN.) Now, if such punishment is to be used at all, would it, in your judgment, be proper to administer such floggings for whispering or offences of a like nature?

A. You must have punishment, and punishment must be for offences. Now, a man goes to solitary if he commits a very small offence, and stays there three days.

Q. Well, do you think you would have as good discipline in your shop, if, within the space of eight months, you should inflict 69 punishments, comprising 1,500 blows, as you have now?

A. I do not know. I would have good discipline, somehow, as long as they gave us any way to punish them.

Q. What effect do you think it would have upon those prisoners?

A. Well, it would be merely conjecture. I have no doubt they would behave if they were flogged.

Q. But you think they will behave just as well without it?

A. I think they will behave out of fear. I think they behave now because they are afraid of physical suffering.

Q. I understand, then, your opinion is, that in prisons or reform schools, or wherever confinement becomes necessary, men are retained by fear; that there must be discipline, and the discipline you would recommend would be solitary confinement, instead of the infliction of physical pain?

A. That is my opinion. I do not know anything about boys. I never had anything to do with them, except my own.

Q. (By Mr. TRAIN.) You speak of 100 punishments in six months; suppose the occasion had required 200, would they not be administered?

A. Yes, sir; I frequently have the solitaries full all of the time.

Q. You intend to maintain discipline every minute.

A. Yes, sir.

Q. (By Mr. PRESCOTT.) Do you think you could maintain discipline as easily if corporal punishment was allowed in your institution as you do now?

A. Yes, sir; I do not believe there would be any trouble about it.

Q. Do you not think there would be more frequent assaults upon officers?

A. I do not think so.

Q. Do you know how the last corporal punishment in the state prison resulted? Did it not result in the death of the warden before night?

A. Very likely.

Q. Why are you so averse to corporal punishment, if you think you could maintain discipline with it?

A. Well, I dislike to inflict any punishment, if it can possibly be avoided, upon any mortal being, and cause any unnecessary suffering. I am sensitive on that point. I do not strike my own children, and I do not intend to strike others.

Q. Do you not think corporal punishment is brutalizing to the person who receives it and to the person who inflicts it?

A. It would be to you, or any gentleman in this room; but there is a class of men who are criminals, with whom you cannot compare your own condition, your own thoughts, or what you would do. I have not the slightest doubt it would make me entirely unmanageable, and I think it would you, to be flogged. But I do not like the idea of corporal punishment.

Mr. HYDE. Mr. Allen says, in his early days, he was flogged considerably.

Mr. ALLEN. And it made me unmanageable, too.

Q. (By Mr. PRESCOTT.) If, when that man was attacked by Jones in the chair-shop, there had been up in the shop at that time some 30 or 40

persons who had received corporal punishment from that officer, do you not think that those prisoners who had received punishment on their persons before would have been very likely to have pitched in upon the officer?

A. No, sir, and I will tell you why; because they do not attack, with the exception of a single person who is infuriated, or who from some personal motive attacks or assaults an officer. They do not attack, because they know there is no method of escape. I do not know that an officer would be attacked any sooner because he struck a man, than he would if he sent him into solitary, and insisted on his being kept there on bread and water until he repented.

Q. Do you believe it is possible for one person to respect another person, when that person has inflicted some 30 or 40 blows on his naked back?

A. No respect; these men do not have any respect. They do not have any respect for me; I do not expect them to have; but I propose to treat them kindly. The difficulty, in my judgment, is, that from your standpoint and mine, or from that of some other gentleman, we cannot put ourselves in their places, because what is true of them would not be true of us. You are not governed by the same motives; your standard is higher; they are down almost among the animals, some of them; we cannot come down and say, under such circumstances, we should do so and so; we should not; we should do some other way.

Q. These men are naturally men of strong passions, are they not?

A. Many of them are.

Q. Don't you think those passions would be aroused by the infliction of personal pain?

A. I think they would; I think a man would be more likely to remember these things, and treasure them up, and be revengeful, than those which you would call boys.

B. D. DWINELL—*Sworn.*

Q. (By the CHAIRMAN.) You are the keeper of the Fitchburg House of Correction?

A. Yes, sir.

Q. (By Mr. HYDE.) You have some of these boys there with you?

A. I have five that were in the trouble at Westborough, and Jones and Platt, who have been there longer; Collins, McCarty, Doniley, Quinn and Miller.

Q. Now, I would like to have you tell us about those young men.

A. Well, of those five, Collins, Quinn and Miller, all three, have been in the dungeon. Miller has been in twice, and Collins once. Quinn, for an assault on one of the men, I kept in six days. I think Miller is the worst one I have, as he is continually, if he gets a chance, getting into some mischief. If the overseer of the shop turns his back, he is always trying to do something to get others into trouble.

Q. Now, how are these boys in the shop? What kind of boys are they? Do these boys make you more trouble than your other prisoners?

A. Yes, these five boys we have to watch very closely. The moment the overseer's back is turned, they are trying to get somebody into trouble.

Q. What should you say of the character of these as compared with the same number of any other prisoners. What trouble do they make you, and what vigilance is required?

A. My overseer says these boys from the Reform School are more trouble to him than all the rest,—we have 60 in the shop; he has to look after them closer. Collins was making considerable trouble, and the overseer spoke to him several times. Finally, he wanted to send him down and punish him. He was kept there three days, and acknowledged that he had done wrong, and would try to do better, and he has.

Q. What is the general effect and influence of these boys; good or bad?

A. Well, it cannot help but be bad, of course, although they are younger than most of the prisoners we have.

Q. What should you say of the influence of that class of young men in the Reform School, upon the younger class of boys?

A. They have a very bad influence upon others. They get others into scrapes and mischief which they otherwise would not get into.

Q. Can you, in any way, tell us in regard to what may be called their acuteness, brightness or capacity for mischief in any way?

A. They are very bad. It is harder to detect them than anybody else, because they are so sly.

Q. Have you any expectation that these boys, from what you have seen of them, when they go out of your institution, will go out as reformed boys or men, do the best you can for them?

A. I have my doubts about reforming them, unless they completely change their lives.

Q. Now, take such boys, committed to an institution where they have no power to discharge them, whether or not it is necessary to have some form of discipline?

A. There must be. You might take a district school, and if you take away any certain punishment or discipline, no teacher could keep it.

Q. Suppose you had 50 boys like these, and had only moral suasion, and be obliged to take charge of them and keep them, what should you say would be the possibility of getting along with them?

A. I do not think there would be any with all of them; with some of them you could.

Q. But when they were brought together, would you think it would be possible, without some means of punishment, to get along with them?

A. It would not, sir.

Q. Was Quinn put in solitary?

A. Yes, sir.

Q. Did he make any other trouble?

A. He made trouble in the shop and in the solitary; he made a great deal of noise, and would not stop. I put the irons on him, as I usually do with a man I cannot do anything else with. We sent down his bread and water, and the watchman went in to change his water. He had broken his handcuffs, and struck the man over the head. We put the irons on him again, but before we did that he tried to arouse the other boys and get

them to take hold with him; they were going to give him a thrashing; that is, if you can depend on what they say.

Q. Then you have there the solitary, and you add the irons if necessary?

A. Yes, sir.

Q. Do you put them anywhere except upon the wrist?

A. Sometimes upon the ankles, but it is very seldom we have to do that.

Q. Well, I mean if it becomes necessary you resort to it?

A. Yes, sir.

Q. Do you know of any way of getting along with a class of prisoners without some efficient means of discipline or punishment?

A. I do not know, and I do not think anybody else does.

Q. (By Mr. GILBERT.) What is your solitary sir? Is it a dungeon?

A. Yes, sir; it is so called.

Q. (By Mr. HYDE.) Describe it.

A. It is a cell without any furniture in it except a board for them to rest upon. It has an iron door and a ventilator underneath, and in the back of the cell. It has plenty of ventilation, and is comparatively dark.

Q. (By Mr. GILBERT.) A board and a blanket?

A. No, sir; no blanket, but the corridor; of course it is supposed to be kept warm, so that they do not suffer from any cold.

Q. (By Mr. HYDE.) How are they fed?

A. On bread and water.

Q. How often?

A. Once a day.

Q. (By Mr. TRAIN.) Which do you think would be the most cruel punishment for boys from 12 to 16 years of age,—to put them down in a dark cell, or to take them out, take down their pantaloons, and give them half a dozen good cuts upon their buttocks with a strap? Is it your judgment that would have the most effect for good?

A. Well, you take boys at that age and it is very difficult to punish them in any way except corporal punishment.

Q. (By Mr. GILBERT.) What would you think of lodges or solitaires as a means of punishment when there are five or six together so that the boys can communicate?

A. I do not think it is any punishment at all.

Q. Do you think that under some circumstances they would prefer to be there, rather than do their ordinary work in the chair-shop?

A. Yes, sir; I have had some in my charge that made their boast that they would rather go there and stay three days than work in the shop; they would get rested up. Others it would be a punishment for.

Q. You are not allowed to retain them longer than ten days?

A. Not longer than three days, except by permission of the sheriff; whenever I keep them longer, I get his permission.

Q. (By Mr. TRAIN.) Can you conceive of anything more injurious—I mean permanent injury—to a boy from 12 to 16 years of age, than to confine him in a dark, solitary cell overnight? Is there any punishment you can inflict that would injure him permanently more than that?

A. I do not know. I do not think it would be of any injury to them.

Q. I speak in reference to his mind. You have known cases where children have been shut up and made insane; their reason has been taken away. Would it not have that effect?

A. It might affect some in that way.

A. G. SHEPHERD—*Recalled.*

Q. (By Mr. ALLEN.) Was there any rule at the Westborough Reform School which prevented the officers from punishing the boys of all grades, by flogging or otherwise?

A. No especial rule, except the advice I had given to the officers to avoid corporal punishment as far as possible.

Q. You understood that the boys in the trust houses were comparatively good boys, or better than the average?

A. Yes, sir.

Q. Did you know, Colonel, that 69 floggings, of more than 1,500 blows, were administered in one of these schools, by one teacher, in eight months?

A. I did not realize it until yesterday.

Q. Did you observe that these floggings varied between 20 and 30 blows at each flogging, and that some of them were floggings of 50 blows each, until this examination?

A. No, sir; it did not occur to me.

Q. Is there any other rule in the institution, as to the discipline, than chapter 15 of the by-laws of the State Reform School, which says: "The object of the institution being reformatory rather than penal, the government is intended to be parental and kind, and the law of love should be the ruling element in all the discipline of the establishment. The means of restraint and punishment should be solely of a moral nature, except in the last resort?"

A. The trustees have voted to inflict corporal punishment, and have stated that it should be done with the strap; they have also provided for the use of the strait-jacket by vote.

Q. And the box?

A. The box was erected as a substitute for the strait-jacket, and they never voted to discontinue its use.

Q. When did the trustees vote to authorize the use of corporal punishment?

A. I understand that it has always been in use at the school.

Q. Do you know that the trustees ever passed a vote authorizing the use of corporal punishment, or is that only an impression?

Mr. TRAIN. Mr. Allen, what is the date of your by-laws?

Mr. ALLEN. Eighteen hundred and sixty-nine.

WITNESS. The blanks which you have seen here were provided by the trustees for reports of corporal punishment.

Q. (By Mr. ALLEN.) I understood you to say there was no riotous conduct up to last fall; is that correct?

A. There was some riotous conduct March 5, occasioned by Watson.

Q. A year ago?

A. Yes, sir.

Q. To what extent?

A. After Watson had the difficulty with Officer Wheatley, he went to the chair-shop and secured the help of six or seven, and perhaps eight other boys. They marched out of the shop, having in their possession knives and awls, and passed out over the stairs, and Watson made a second attempt upon Officer Wheatley while in the yard. That was the only other case of riotous conduct, excepting some assaults upon the inmates and officers.

Q. Do you consider Mr. Dudley an efficient officer?

A. I call him an average officer.

Q. You stated that Mr. Hinckley was not an efficient officer. I observe by his report that he only punished about one-quarter as much as Mr. Dudley; do you consider Mr. Dudley is more efficient because he punishes so much more?

A. No, sir; I judged of his knowledge of his work in his department, and not of his punishment of the boys.

Q. You stated that this box was intended for the purpose of punishing young men on whom you did not want to use the strap; is that so?

A. That is true in part, but I preferred it to placing them in the lodge, because I think sometimes that detention does not have the desired effect as a means of punishment; because on one occasion I heard a boy named Moriarty say how long he should remain in the lodge; making a boast, he said, "I will not do any more work until Christmas, and then I shall ask to come out."

Q. Did you know that boys were placed there, and kept there four, five and six days?

A. In the lodge? Yes, sir; I think there has been a boy in there five days.

Q. From what hour to what hour?

A. From morning till night.

Q. This box is situated in an attic with a window in the roof?

A. There is a register in front and one behind.

Q. There is no light in the room except from this skylight?

A. Not in that particular room, but there is in the next room, and there is a partition between.

Q. Who had authority to put boys in this box?

A. The officers.

Q. All of them?

A. Yes, sir.

Q. Then, there were 28 persons who had a right to put boys in that box, or to have it done?

A. No, sir; not so many as that.

Q. How many?

A. When you name 28, you include those of the outside houses, probably.

Q. How many?

A. There are probably 8 or 10 male officers who would be likely to punish boys by placing them in that box.

Q. They do it without reporting to you ?

A. They report it at the office. They might place a boy in there as they do in the lodge, and then report it at the office, because every boy must be accounted for at least six times a day.

Q. Well, but could not others than these eight, if they chose, have boys put in the box ?

A. If it is necessary ; yes, sir.

Q. And even female teachers have the right to cause it to be done ?

A. They might report a case to the assistant superintendent or the superintendent, and, perhaps, in the absence of these, the clerk, if he was present,—he might put a boy in the box ?

Q. Well, as a matter of fact, do they not sometimes let other teachers put them in for them ?

A. Well, they might do the work, but the officer in whose charge the boy was is responsible for it and would report it to me.

Q. How many young boys have you known to be placed in the box ?

A. I have known a boy, perhaps 15 or 16, to be placed there.

Q. Coming to this Gartland boy, do you know whether he had been flogged the day before he died ?

A. I am governed in that case by the report made by Mr. Rice, who reported that he strapped him upon the hand. I have no personal knowledge that he was struck in any way.

Q. I mean within a few days or weeks previous to his death ?

A. No, sir ; I do not remember that he was.

Q. You have no recollection about that ?

A. No, sir.

Q. Was he not punished, on his return to the institution, after deserting ?

A. By being placed in the lodge.

Q. Not otherwise ?

A. Not otherwise.

Q. He ran away twice, I think ?

A. On two different occasions.

Q. Speaking of the boy Kelly, who was the monitor of the Garden House ; has he a mother ?

A. I do not think he has. He has a brother on the police, in Fall River.

Q. But no mother, so far as you know ?

A. I do not remember that he has.

Q. And Flynn, do you remember if he had ? The boy who was punished at the Farm House.

A. Flynn has a mother who lives in Groton Junction, I think.

Q. His father is dead ?

A. I think so.

Q. And Sullivan ?

A. Sullivan has a father and mother residing in Fitchburg.

Q. And Hector ?

A. Hector's father is not living. His mother recently died in the almshouse at Worcester, within two or three weeks.

Q. This punishment, inflicted by Rawson, was known to you soon after?

A. The next day after.

Q. Do you know he has been placed in charge of the Peters House twice since that time?

A. Yes, sir.

Mr. HYDE. Mr. Sanborn went over that this morning.

Q. (By Mr. ALLEN.) You know, that while he was in charge, he had the right to inflict punishment?

A. No, sir; because, if you remember, the officer swore at Westborough that I told him, if he had any more punishments, to send the boys to the office or to Mr. Campbell. He went over to the Peters House under similar instructions; that is, these instructions of course remained. I did not intend that he should punish any more boys at the school.

Q. Lombey,—has he a father and mother living?

A. He is under reform.

Q. And Cahoon?

A. He belongs down on the Cape. His mother is living; I do not know whether his father is.

Q. Shea?

A. I think his father is dead.

Q. Burns?

A. Burns has a mother and a step-father, I think.

Q. McGee?

A. I think both his parents are living.

Q. I was asking you, because you said there were some boys there who had no helper except the school. I observe that a large number of those boys that have been severely punished have no fathers. That fact is known to you, Colonel?

A. Well, I do not have many there who have no parents?

Q. But a number of them?

A. Some, but not a large number.

Q. I desire to ask you about punishments by the hose; did you bring down that large nozzle?

A. Yes, sir. [Producing it.] I made a mistake in the size of the nozzle; it is three-quarters of an inch in diameter, and not an inch, as I testified.

Q. Do you know what pressure of water is upon this hose?

A. I cannot tell you. The engineer could probably give you the correct pressure.

Q. Fifty pounds to the square inch, or more?

A. Not that much.

Q. Is it operated by a steam-pump?

A. Yes, sir; by Knowles's pump.

Q. (By Mr. TRAIN.) How far would it throw a stream of water?

A. With the hose doubled up, as it had to be to reach the lodge, it is difficult for me to say; perhaps, on a straight line, it might reach from 50 to 60 feet.

Q. That would not be 50 pounds to the inch.

A. The hose had to be twisted around through two different rooms, and the curling up of the hose decreased the pressure.

Q. (By Mr. ALLEN.) When you turned this water upon the boys, did they make any outcries?

A. Not at the first of it.

Q. Did they afterwards?

A. Yes, sir.

Q. Upon what signal did you cease?

A. When they expressed penitence, and wished me to stop.

Q. Do you recollect playing upon one boy until he got on his knees, and confessed what he had frequently denied?

A. That was in the case of the use of the garden-hose, but the water was not applied to the boy until that result. The boy promised to ask the officer's pardon, but there was no water kept upon him until that thing was brought about.

Q. What was the condition of the boy after you had poured this water upon him for a time?

A. Any particular boy?

Q. Generally.

A. The boy seemed to be wet, but any further than that I did not see any damage done. His clothing was removed afterwards, and dry clothing substituted, and warm drink was given. I have never heard a complaint from any boy that he suffered from an application of water.

Q. You speak of the length of time the water was applied; did you look at a clock or watch, so as to fix the time with any degree of certainty?

A. No, sir.

Q. It is all mere guess-work?

A. Yes, sir; I stated at the time to the best of my judgment.

Q. In view of all the matters which have now been brought very sharply to your attention, is it your opinion that the discipline of that institution has been mild and paternal in its nature?

A. I think that the discipline of the institution has been as mild as it could be under the circumstances.

Q. Have there been as many whippings within the last 30 days as there were for the same period of time last year?

A. No, sir; because the bad element has been removed, to a great extent. Those who, in our opinion, created the most trouble, and incited opposition to the rules, have been sent to the house of correction. Their removal from the school produced or brought about a good effect.

Q. Is it not your opinion that you could now maintain discipline there without the use of the lash?

A. By separation. It is my opinion, that when the boys are placed in the other building we should not resort to corporal punishment unless it should be found necessary for sufficient control.

Q. It is your opinion, Colonel, that with the cells and the lodge and the dormitories at your disposal, you could now maintain discipline with the boys you have there without the use of corporal punishment?

A. No, sir. The dormitories are not places of punishment; the boys find a comfortable bed there, and they enjoy it.

Q. After the boys had disturbed the services in the chapel that day, and you had played water upon them, did they express penitence for their offence?

A. Yes, sir.

Q. After that expressed penitence, was it, that you put them into the strait-jacket and kept them there?

A. There were two boys, I think, that were put into the strait-jacket. I have no recollection of any but Goss and Turner.

Q. Did Goss and Turner express penitence for their offence?

A. I think they did; but they made threats in regard to using violence upon the hall-man.

Q. Were not the whole seven or nine gagged, Colonel?

A. Well, this gag consisted of a strap. I do not know how many had straps placed in their mouths; but I know this much: that every time I had occasion to go around the dormitory, I found them with the straps out of their mouths.

Q. Were these boys in a strait-jacket?

A. Yes, sir. One of them told me he did not keep it in his mouth only when he expected somebody to come around.

Q. Can you tell me how he got it out?

A. Well, the strap was applied in such a way that when the boy held his head up the strap was tight, and when he dropped his chin the strap came out.

Q. You did not intend to put them in in such a way that they could be taken out?

A. I did not give any particular instructions in regard to that.

Q. (By Mr. PRESCOTT.) Who put in these straps; did you put them in?

A. No, sir; I think the hall-man, Mr. Clark, and one or two others, assisted in putting them in.

Q. Leach Clark?

A. Yes, sir.

Q. (By Mr. ALLEN.) Did you see him do it?

A. I do not remember I saw him do it, but I saw the boys afterwards.

Q. Did you tell him to do it?

A. I do not remember that I did, sir.

Q. While you had your Sunday-school concert, these boys who had expressed penitence were tied up and put in a strait-jacket and left in the dormitory?

A. Only two of them.

Q. Two of them were strapped up and gagged?

A. Not gagged. I have testified that the straps were only in their mouths a portion of the time. I know that from my own observation and the testimony of the boys.

Q. In the case of the other boys?

A. I did not have any conversation with the other boys, but I saw the strap was out.

Q. So that he could speak?

A. Yes, sir.

Q. Have you the book of punishments here for the months of March and April, this year?

A. No, sir.

Q. Are you sure that no punishments have been administered in the institution except by yourself?

A. Since the first of March corporal punishment has been inflicted by the superintendent and his assistant.

Q. By any one else?

A. I do not think there has been.

Q. No punishments?

A. Other punishments.

Q. What kind?

A. Placing in the lodge and in the box; I think that is all; possibly by putting in the strait-jacket.

Q. Is there any record of the discharge of these three officers for cruelty while you were there? You have stated that you discharged three persons for cruelty?

A. It may be in my daily journal, but I am not quite sure. The payroll, perhaps, might give us sufficient information in regard to that.

Q. Is there any record that they were discharged for cruelty?

A. I do not know whether it was entered in that way or not, sir; I do not know that it was entered in that way, but it was so understood.

Q. Had either of them inflicted so cruel punishments as Mr. Rawson?

A. I think all three were more cruel than Rawson's. The skin was broken in every case where the parties were discharged.

Q. (By Mr. PRESCOTT.) Who were these three officers?

A. Mr. Juno, a lady officer, and Mr. Marsh.

Q. What was the lady's name?

A. Miss Lawrence.

Q. Will you bring down your punishment-book for March and April, when you come down to-morrow?

A. Yes, sir; if it is so ordered.

Mr. HYDE. We had that all up there; it was all submitted to the Committee; we did not think there was need of it here.

The CHAIRMAN. We had that before us, and I thought we had had it here.

Q. (By Mr. PRESCOTT.) Do you state, as a matter of fact, that boys were always admonished before punishment in all these cases?

A. That is what they are expected to do, sir, and I have reason to believe they have done so.

Q. Is it not your belief that many have been punished by teachers while angry and excited?

A. There may have been some excitement attending the infliction of the punishments, because I find but very few persons who have complete control of themselves. They are more or less so when engaged with others in administering punishment or arguing. I do not claim they are

perfect, but I think they have exercised such patience as the majority of people do.

Q. From what experience you have had with Mr. Wood, your new assistant superintendent, do you think he is a proper person to continue in that position?

A. Well, I could not decide fairly in that case. Mr. Wood was engaged to fill the position of assistant superintendent, but he has not had a fair trial in that capacity. The first month he came, he took charge of the fourth school, which was badly demoralized, and he had to punish considerably.

Q. Do you justify the punishment of those two boys out there in the barn over their bare persons, while Mr. Hinckley was down here at the city?

A. Do you mean by Rawson?

Q. No, sir; the punishment inflicted by Mr. Wood on two of Mr. Hinckley's boys. Do you think it is justifiable to take boys out into the barn, and flog them as he did over the back?

A. I do not understand that Mr. Wood testified that he whipped them over the back.

Q. I think he testified that he did whip them on the back. Do you remember his testimony with regard to his punishments during the month of December, containing a list of 18 boys?

A. He was in the institution in December.

Mr. DAVIS. He came there the 1st of January, according to the evidence.

Mr. PRESCOTT. Was he not there during the month of December?

WITNESS. No, sir; not that I recollect.

Mr. DAVIS. He came from the Westborough Academy, to commence his duties, the 1st of January.

Mr. PRESCOTT. Did we not have a record of his punishments during the month of December?

Mr. DAVIS. No, sir; during the month of January he had a list of 18 punishments. That is the way the evidence stood; I remember very well about it.

Q. (By Mr. PRESCOTT.) You saw the boy Lutz, whom he punished 8 or 10 blows, for whispering?

A. Yes, sir; I think I was in the room that day.

Q. Did you see the marks?

A. I did not see the marks, but I heard gentlemen speak about them. The boy was facing towards me and his back was towards the members of the Committee.

Q. Did you not examine that boy? I thought you were in the room at that time?

A. I occupied a position at the opposite corner of the room.

The CHAIRMAN. He could not see; the boy was between him and ourselves, with his back towards us.

Q. (By Mr. PRESCOTT.) Well, there was no objection to your examining him?

A. No, sir; not at all.

Q. Do you think, his offence being whispering, seeing the very severe marks of his punishment, that Mr. Wood is a proper man to retain as your assistant superintendent, and be put in charge of the boys in the new part?

A. If I understand the offence, it was for whispering, laughing at prayers, and winking at one of the senior class while singing. There were three offences. The boy had been repeatedly talked to, and I think Mr. Wood was justified. The punishment may have seemed severe, but it requires but a slight blow to discolor the fleshy part of a person's body.

Q. You heard the testimony of several boys there?

A. I heard the testimony of a boy named Callahan.

Q. Were there not others?

A. There might have been, but I was not in the room all the time.

Q. His report for January was that he punished 18 boys, and 8 or 10 of them were punished over the bare back with a strap. That is his first month's experience. Do you think it has shown him to be a proper person for an assistant superintendent of the Reform School?

A. I do not think it is a fair trial, for this reason: The school, when he took possession of it, had 50 scholars; and when a new officer comes in, it is well known in the history of all reform schools, that his patience is tried to the greatest extent. A new officer has to punish more than an old one. The young men are disposed to try a new officer. I do not care who he is, whether he is the best or poorest man.

Q. Do you think that was the reason why Mr. Rawson had to punish the boy Hector as he did?

A. It may be that Mr. Rawson had to show the fact that he was in charge of the shop.

Q. (By Mr. ALLEN.) That is the way they show their authority,—by blows on the hand?

A. Why, it is in evidence that this boy Hector called upon the other boys to help him, and in response to his request they left their benches and ran toward the officer, and it was a question who was master of the situation.

Q. (By Mr. PRESCOTT.) Do you think it was a good thing for an officer going to take charge of a trust house to put a revolver in his pocket before he went there to commence his services? Do you think that showed a good spirit on the part of the officer?

A. I do not see any necessity for his taking a revolver. I have never justified Mr. Rawson. I never carried a revolver except on some special occasion. I was at the institution three years and eight months and did not own one or carry one. I have never authorized any officer to carry one.

Q. Don't you think Mr. Wood's record is such that he should be immediately discharged from his position?

A. I am not prepared to say that.

Q. Are you satisfied with him as an officer and as assistant superintendent of the Reform School?

A. I have not had sufficient experience with him. The gentleman

came there in the midst of trouble, and I do not think he has had a fair chance.

Q You got this officer through Dr. Harvey, didn't you?

A He was recommended by Dr. Harvey; yes, sir.

Q Well, has he not shown by his experience that his power to govern boys is by force and blows, rather than by any love or sympathy for the boys?

A Well, he has not been there long enough for me to come to a conclusion on that point.

Q Do you remember the first day the Committee were at Westborough, before they knew about the punishments at the institution, and when the whole Committee was present?

A What is that, sir?

Q Do you remember the first visit of the Committee to Westborough?

A Yes, sir.

Q Do you remember, I asked you after dinner in regard to the punishments which it was necessary to sometimes inflict upon the boys there?

A I do not know; there were several gentlemen asked me questions all at the same time.

Q Do you remember the matter of punishments was brought up?

A Yes, sir; it was talked over.

The CHAIRMAN. You mean before the whole Committee?

Mr. PRESCOTT. Before the Committee knew anything particularly in regard to the matter of punishment. It was asked incidentally what modes of punishment were resorted to in that institution.

Q (By Mr. PRESCOTT.) In mentioning the modes of punishment resorted to, why did you omit or neglect to say anything about the sweat-box?

A I should not have called it by the name of sweat-box; but I think I ought not to be held accountable for any omissions at that time. When I mentioned the strait-jacket, I was asked to go and get one, which I did. It was brought before the Committee, and Captain Davis and a member of the Committee had considerable conversation with me in regard to it. I had no desire to conceal the sweat-box, because it was a matter that ought to be known to every trustee, and if they considered my report worthy of consideration, they must certainly have known that it existed.

Q Did the committee of the Legislature of last year visit your institution?

A Yes, sir.

Q Were they taken up and shown the sweat-box?

A I do not remember that they were.

Q The select committee of 1875; did they visit your institution?

A Yes, sir.

Q Did they go up to see that box?

A I do not remember that they did. They may have, but I do not remember that they did.

Q The governor and council at times visit your institution?

A. Yes, sir.

Q. Have they ever been shown the box?

A. Not that I am aware of.

Q. (By Mr. ALLEN.) Are visitors to the institution ever shown the box?

A. If they inquire for it.

Q. (By Mr. PRESCOTT.) Suppose they do not know anything about it?

A. Well, it has been a subject of inquiry for some time. Visitors are anxious to see the box.

Q. (By Mr. ALLEN.) But not before this investigation commenced?

A. No, sir.

Mr. DAVIS. I want to say that Col. Shepherd had spoken about the strait-jacket being brought in, the day of the first visit to the institution, but I am rather of the impression it was not brought in that day, but was brought in on a subsequent visit. It does not make any material difference, only I feel quite sure it was not exhibited on the first day.

WITNESS. I may not have brought it in that day, but I wish it understood that I did mention it to Captain Davis, and he put it down on his paper that day, and I offered to go for it.

Mr. DAVIS. That is so.

WITNESS. Now, Mr. Chairman, if you will allow me, as the matter of elopers was asked about, I would like to say that when Mr. Allen had charge of the school, in 1862, the number of elopers was one, and I find in the expenses of the institution for that year, that \$186.65 was expended in pursuing and returning elopers. In 1863, there were no elopers reported, but in the matter of expenses the amount for pursuing and returning elopers was \$174.86. The number that eloped in 1864 was three, and the amount expended for pursuing and returning elopers was \$208.18. In 1866, there were no elopers, so says the report, but there was expended for pursuing and returning elopers, \$205.10. In 1865, one boy eloped, and the amount expended for pursuing and returning elopers was \$245.63. I do not know what system of reporting was recognized at the school at that time, but my reports show that a large number have eloped, and the expenses for returning these elopers was much less than I have read to you. The matter of elopers was brought up, and I thought it would be a proper time to put this in.

The CHAIRMAN. I think we will suspend the hearing at this point.

Adjourned.

FIFTEENTH HEARING.

THURSDAY, April 19, 1877.

The Committee met at half-past nine, A. M., Senator DENNY in the chair.

Mr. PRESCOTT. Before the examination proceeds, I would like to call attention to what I think is an error on page 582, in the testimony taken at Westborough. Towards the close of the page, in the testimony of Cornelius Callahan, in regard to a punishment, the answer given is, "I was punished by Mr. Phillips." That should be, "I was punished by Mr. Wood," as the succeeding description of the punishment will show. That was one of the boys.

The CHAIRMAN. It was an error which might have been made by the boy.

Mr. PRESCOTT. It should read, "I was punished by Mr. Wood."

The CHAIRMAN. How can you tell?

Mr. PRESCOTT. By the description of the punishment. I remember distinctly it was the punishment given him by the assistant superintendent, and not by Mr. Phillips.

Mr. DAVIS. It was the same boy that had been struck on the neck, I think.

Mr. PRESCOTT. Because, I say, on the next page, "You had something of a scuffle with Mr. Wood?"—referring to that punishment.

The CHAIRMAN. The stenographer will make a note of the correction.

COLONEL SHEPHERD—*Cross-examination continued.*

Q. (By Mr. PRESCOTT.) I notice in the report that you submitted to the trustees, April 1, 1875,—the report in which you state that you have introduced the box in the attic, as a mode of punishment,—that you said, toward the close [reading]—

"In the selection of officers I am led to believe that the services of practical persons, who have not been connected with other institutions, ought to be sought for."

I want to ask you for an explanation of that—why you did not desire to have officers at that institution that have been connected with other institutions?

A. Because, sir, it is my belief that it is detrimental to any institution to employ certain parties who are passing from one institution to another in search of employment. In other words, there is too much gossiping among them.

Q. Do you mean to say that if you found an officer that had been connected with a reform school, and whose record was good, that you don't want that man connected with that institution?

A. I might not object to him; but, as my choice, I would rather take a man and break him in to conform to the rules of the institution that I preside over, than to have one that has been into another institution and be trying to introduce their forms into the institution that I had charge of.

Q. When Mr. Bigelow came to the school for employment, did you know that he had been connected with the institution at a previous time?

A. Yes, sir.

Q. Did you know his record at that institution, or why he was discharged from his position at the previous time?

A. I heard that he had trouble with Mr. Allen.

Q. Did you not inquire the nature of that trouble? Did you not ascertain that he was discharged immediately by Mr. Allen, for cruel treatment of one of the inmates of the school?

A. I never obtained that information, sir; I would state that I conversed with two officers who were officers of the school when Mr. Allen was superintendent, and who knew something of Mr. Bigelow's qualifications, and they recommended him very highly. I also had recommendations from Mr. Talcott, who had been superintendent of the school at Providence for some years—perhaps fifteen years. I acted upon that in recommending him for appointment.

Q. This Mr. Talcott, was he formerly superintendent at Westborough?

A. Yes, sir; and at Providence.

Q. Did you ever know that Mr. Bigelow had been discharged by Mr. Allen, for cruelty to a boy?

A. No, sir; I never heard it put in that form. You ask me if I knew he was discharged for cruelty to a boy, and I reply, no.

Q. Did you ever know he was discharged?

A. I never knew he was discharged; at least it was put to me in this way: that he had some trouble with Mr. Allen, and complained of Mr. Allen to the board of trustees.

Q. Did you communicate in any way with Mr. Allen in regard to the employment of Mr. Bigelow?

A. No, sir; he would be the last man I should look to for a recommendation.

Q. (By the CHAIRMAN.) The trustees make the appointments of officers there?

A. As a general thing every officer who is appointed or put on trial has to be confirmed by the board of trustees.

Q. (By Mr. PRESCOTT.) Mr. Wood, who is now your assistant superintendent, received his appointment, I believe, through the influence of Dr Harvey?

A. Dr. Harvey first recommended Mr. Wood. I had no acquaintance with Mr. Wood previous to his coming to the school, only this much, that I knew he was principal of Willow Park Seminary, situated in Westborough.

Q. Under what circumstances did he leave Willow Park Seminary?

A. The school was discontinued in that place, and the proprietor moved to Worcester.

Q. Do you not consider your assistant superintendent, Mr. Wood, as a very severe man in the matter of punishment to boys?

A. I haven't had any notice of his severity, except in that case of the boy Callahan, that was mentioned by the Committee.

Q. You knew that he punished two boys, connected with the trust houses, in the barn, while Mr. Hinckley was before this Committee?

A. I heard so; yes, sir.

Q. Did you not hear the testimony of several boys at the institution last week in regard to his severe punishment of them?

A. I mentioned the case of Callahan. In regard to other severe punishments, I don't recollect.

Q. Were you in the room when Elmer Lutz testified?

A. Yes, sir.

Q. Were you there when he showed the marks upon his person?

A. He was with his back to me, facing the Committee.

Q. How far off were you?

A. Perhaps 12 feet.

Q. Did you not, as superintendent of that institution, take sufficient interest in that boy to rise from your seat, and look at that boy's person, and examine the effect of the punishment upon that boy by the officer next to you in charge?

A. I didn't consider it my business. The Committee had that matter in charge, and I didn't intrude upon their business.

Q. You had a perfect right to see the boy?

A. Yes, sir.

Q. (By Mr. DAVIS.) Have you looked at it since?

A. No, sir.

Q. (By Mr. PRESCOTT.) Do you think Mr. Wood's record for the last few months a creditable one for a man in a reform school? And let me state that record: Beside 8 or 10 boys put into the sweat-box, in January, he has punished (as is reported on the record) some 18 boys with the strap—which, according to Mr. Wood's testimony, were in almost every case, severe—and 8 to 10 of those boys were punished on their bare flesh, on the thigh and buttock, according to Mr. Wood's testimony, while you were here in this room. Can you say, Col. Shepherd, in the light of those punishments, and in the light of the testimony that the Committee received at the institution last Wednesday, that Mr. Wood is a fit man to be assistant superintendent of the Westborough Reform School?

A. That question ought to be divided before I can answer it, for this reason: If I can believe the statement made by Mr. Wood, he inflicted no punishment there, except with a strap, while a member of the Committee states that he put six boys into the sweat-box in the month of January.

Q. Didn't do what?

A. Didn't put six boys into the sweat-box in January. He claims that while the number of cases might be large that he punished with the strap,

he accounted for it in that way. Of course, Mr. Wood ought to answer for it in that way, and not me.

Q. Is Mr. Wood, so far, satisfactory to you as assistant superintendent of that institution?

A. I am not quite prepared to answer it. He has not had a fair trial. He came there and took charge of a demoralized school, and, so far as my knowledge extends, a new officer is tried very severely, and the punishment on the part of a new officer is greater than on the part of an old one.

Q. In regard to the matter of punishment by the sweat-box, did you not say to the sub-committee, when they went up there some time ago, and examined the punishments inflicted by Mr. Rawson, that you thought it would be well to have more than one sweat-box connected with the institution?

A. I think so, for that class of boys; but I wish to say that I have never called that a sweat-box, and do not do so now, and I don't wish my testimony to go in as such.

Q. When a boy runs away from the institution, and is retaken, what is the usual mode of treating that boy, or disciplining him on his return to the institution?

A. He may be strapped or put into the box, or he may be placed in the lodge, or he may not get punished at all.

Q. Are not boys sometimes, on their return to the institution, very severely punished on their bare person with a strap?

A. I think so.

Q. Are they not sometimes, afterwards further punished by confinement in the lodge as an additional punishment?

A. I haven't any case in mind now, sir.

Q. Are they not sometimes, after being strapped, or before being strapped, placed in the sweat-box as an increased punishment for their having eloped from the institution?

A. I haven't any case in mind now. Sometimes boys receive a second punishment perhaps for a second offence. Oftentimes boys commit offences down in the lodge.

Q. You say boys never receive a second punishment for one offence; that is, the offence of which we are now talking, running away from the institution?

A. He may have received a second punishment, but I don't recollect any particular case.

Q. Have you not, yourself, inflicted double punishment upon boys, for having eloped from the institution?

A. I do not now remember, sir.

Q. Will you say that you have not?

A. I am not prepared to say that.

The CHAIRMAN. What do you mean by double punishment?

Mr. PRESCOTT. I mean, first, the strap, and then, perhaps, by confinement in the sweat-box, or confinement in the lodge, or something of that sort, after the strapping. Perhaps confinement in the lodge or sweat-box might come first; that is, receive two punishments for one offence.

The CHAIRMAN. I suppose the boy might be strapped and put into the lodge, and it might be called one punishment.

Mr. PRESCOTT. I suppose it might be, Mr. Chairman.

Q. (By Mr. PRESCOTT.) Have you not, yourself, frequently punished boys on their bare person severely, with a strap, for having run away from the institution?

A. I think I have, sir.

Q. Have you done it in numerous cases?

A. I don't know how many.

Q. About how many do you think you have done it in, Colonel?

A. Well, I don't remember.

Q. (By Mr. TRAIN.) How many boys have run away from you in the last year, Colonel, that you have got back?

A. Our year closes in September of each year. From September to the present time?

Q. Yes, sir; about how many?

A. I cannot name the number now.

Q. Well, have there been half a dozen?

A. No, sir.

Mr. TRAIN. Mr. Prescott was anxious to find out how many boys were punished twice for running away, and I thought it might refresh your memory. You could not punish a boy for running away that did not run away.

Q. (By Mr. PRESCOTT.) Are you satisfied with Mr. Bigelow as an officer of that institution?

A. Yes, sir; generally speaking, he is an average officer.

Q. Is it not true that he is almost, if not entirely or universally, unpopular with the boys with whom he is brought in contact?

A. I don't think he is. Mr. Bigelow has a small school of 24 boys, and with those boys he is liked as well as any teacher in the school. There has been a good deal said about Mr. Bigelow, but it is one of those things that, when they get started, they take it up and say so and so said so; and I believe that is the testimony produced before this Committee about Mr. Bigelow.

Mr. PRESCOTT. The reason I asked the question was because, among all the boys we have had before us, no boy has spoken well of Mr. Bigelow.

The CHAIRMAN. You understand there is an old adage,—

“No rogue ere felt the halter draw,
With good opinion of the law.”

Mr. PRESCOTT. I understand that, Mr. Chairman. [To witness.] I understand you to say that along in the fall and winter the punishments became more numerous?

A. To the best of my knowledge.

Q. Do you not think, as superintendent of that institution, that severe punishments have been the fruitful cause of the assaults and bad conduct generally, and the attempts on the part of the boys to escape?

A. The punishments inflicted by the officers, I understand you to say, is the cause of the bad conduct?

Q. Yes, sir.

A. I don't think so.

Q. Was it not the frequent and severe punishments that you have testified were more frequent for a month or two previous to this riot—were not those punishments a fruitful cause of assaults upon officers and bad conduct generally of the boys, and the repeated attempts to escape from the institution?

A. No, sir; because I think there would have been no case of punishment if the boys hadn't conducted themselves badly.

Q. Do you think that these severe corporal punishments, producing pain upon the boys of 17 to 20 years of age, does any real good to those boys?

A. For a time it does.

Q. Do not those punishments have to be oft repeated, and made more and more severe to keep up the effect even for a time?

A. With some boys, one whipping has been sufficient; while with others it has to be repeated.

Q. I understand you to say that it was proposed to abolish corporal punishment in the new part?

A. Yes, sir.

Q. Has there been any action taken to that effect?

A. No, sir.

Q. Do you think you can get along in that new part without resorting to corporal punishment?

A. I am ready to give it a trial, if I should be there.

Q. Do you think it will be a success?

A. I cannot tell; I think it may be a success.

Q. How shall you be able to restrain the boys in that new part, as there will be the same class of boys that you have not been able to restrain in the old part, without that frequent resort to corporal punishment?

A. Because, sir, they will be under more strict discipline, and they will have to work two hours a day more, and that is punishment for those boys; and secondly, they will not have an opportunity to go into the yard and play and become wild.

Q. Will they not, at times, whisper and be disobedient and saucy, and violate the rules of the institution in that respect, in the new part, the same as in the old part?

A. They may do it.

Q. What do you propose to do then?

A. We shall use the strong cells, as well as the various punishments which the committee of the trustees may determine. I think the desire to escape will be removed, because they are going into a stronger building and they will not have that opportunity to escape, and consequently the desire will be removed.

Q. How many of these strong cells have you in the new part?

A. I think, 12; perhaps 10.

Q. Have you not had 16 cells in the old part—in what you call the old part?

A. Yes, sir.

Q. Have you not had the same means, then, of punishing the boys in the old part that you now propose to use in the new part?

A. No, sir; because the punishment in the old part has been too mild.

Q. In what respect too mild?

A. Well, sir, you have been told that it is not solitary confinement when several are lodged in the same room.

Q. They are in separate cells?

A. Yes, sir, but in speaking distance of each other; and those boys receive a larger quantity of food than is to be found in any place in the State where solitary confinement is used. It has come to the knowledge of this Committee that solitary confinement means a piece of bread and a cup of water, while at Westborough they receive two meals a day.

Q. Don't you think, Colonel, before you determine the question of abolishing corporal punishment upon these worst boys in the institution, who are not to be confined in the main building, that you had better first seriously consider the matter of severe corporal punishment of boys confined in the trust houses of the institution?

A. That is a matter for the trustees to regulate; they have the matter before them, and they have had it for two or three months.

Q. Has it never occurred to you that there might be something wrong in that system of discipline, when 69 of your trust boys had to have 1,525 blows with a strap in eight months? Has it never occurred to you before, in looking over the record of these punishments at the trust houses, that there should be a change in that? I believe the record shows that there have been or that there were 69 of the trust boys punished in eight months, and in all they received 1,525 blows.

Mr. ALLEN. That was by one teacher, Mr. Dudley.

WITNESS That is a matter of opinion on the part of the officer. Some officers might prefer to bring boys into the main building instead of detaining them in the trust house. Whether boys are in the trust house or the main building, they probably do things that require correction.

Q. (By Mr. PRESCOTT.) Doesn't it occur to your mind that something is radically wrong in the matter of discipline for those trust houses, where that amount of punishment was permitted? Was it not radically wrong?

A. The punishments, or the number of blows, may seem pretty large, but I am not prepared to state under what circumstances they were inflicted, and what the nature of the offence was that led to the punishment.

Q. Is that the state of things which you, as superintendent of that institution, are willing to allow to be continued?

A. I should think that the punishments at the trust houses might be reduced from the number of blows; that is, the number of blows that you have quoted might be reduced. That officer is not at the institution now, and I am not prepared to say whether the punishment was judicious at all times or not.

Q. You mean to say, then, that you don't see anything seriously wrong in the punishment of 69 trust boys by one officer, these blows being given in eight months and figuring up 1,525 in all? You mean to say that you are not prepared to say that that was radically wrong?

A. I am not prepared to say so without knowing the cause that led to the punishment.

Q. Do I understand, Colonel, that you are fully acquainted with the number of these punishments inflicted by the different officers, particularly at the trust houses?

A. No, sir. The trust houses are detached houses, and punishments are inflicted there without consulting me, and I am governed by the reports.

Q. Was it not your duty, as superintendent, to be particularly well informed in regard to the discipline and management of the boys?

A. Yes, sir.

Q. Don't you think that if Mr. Hinckley had followed up his boys at this rate with a strap, and put plenty of boys in the lodge, and used the sweat-box at times, that you would have considered his discipline good enough?

A. Mr. Hinckley, in addition to using corporal punishment, put boys in the lodge several times.

Q. Don't you think that you would have been entirely satisfied with his discipline if he had followed up the punishment to this extent?

A. No, sir; I stated yesterday that that wasn't the standard I measured an officer by.

(By Mr. SANBORN.) Whether or not you would have been better pleased with his discipline if he had whipped more?

A. No, sir.

Q. (By Mr. PRESCOTT.) When you were sending boys to the trust house, did they not frequently ask to go to the house over which Mr. Hinckley had charge?

A. Not specially so, sir.

Q. Do you not remember several times where boys requested to be placed in Mr. Hinckley's house?

A. I remember the case of one boy, named Crowley, who wanted to go to Mr. Hinckley's house.

Q. Well, do you not remember some other cases?

A. No, sir; I do not remember any other case. The boys preferred a place where there was a play-ground.

Q. When the boys were pleased with Mr. Hinckley, did they not show a willingness to stay with him, by not running away?

A. Mr. Hinckley had three boys run away, and he also brought in two or three boys into the main building for attempting to run away.

Q. Is it not a fact, that he lost fewer of his boys while he was there, than any or either of the other outside officers?

A. I am not prepared to say that. The Garden House showed the longest time without losing a boy of either of the houses. The year Mr. Hinckley had the Peters House, I guess the number of his escapes

was less than at the Garden House. I cannot account for that directly, because the Garden House ran two years without an elopement.

Q. Is it not true, that Mr. Hinckley lost fewer boys than any other of the outside houses?

A. I am not prepared to state that.

Q. Are you prepared to state that it is not so?

A. No, sir; I have stated what I knew, that two boys did run away, and two others made an attempt, and he brought them into the main building. That would be four.

Q. (By Mr. PRESCOTT.) Do you know anything about the comparative frequency of the escapes from Mr. Hinckley's house and that of the other outside houses?

A. It is a general impression. I haven't looked over the reports on that particular point this morning.

Q. You spoke about reporting Mr. Hinckley in one of your reports to the trustees; have you ever had occasion to report other officers?

A. For what purpose?

Q. For any purpose.

The CHAIRMAN. Put it a little more definitely than that. [To witness.] He wants to know whether you reported any officer for misdemeanor or good behavior or what?

Mr. SANBORN. He reported Mr. Hinckley because he was not entirely satisfied with his discipline and for other matters. [To witness.] Have you had occasion to make complaint of other officers of the institution?

A. Yes, sir.

Q. Did you ever report him, and if you did, for what did you report him?

The CHAIRMAN. You needn't answer if you ever reported him. The question should say good or bad behavior. It does not state what it means, and it does not give any information whatever.

Mr. SANBORN. I must object to that ruling. This is the superintendent of the institution, and he is supposed to know and have the record of every officer of the institution; and he has been questioned by Mr. Hyde and put in a fair report. I submit that he is bound to answer that question.

The CHAIRMAN. You don't understand my ruling. The question is whether he reported an officer; and we want to know what,—reported for what?

Mr. SANBORN. That is part of the record.

The CHAIRMAN. Let it be in that form: What does he mean by reporting an officer?

Mr. PRESCOTT. I asked if he reported Mr. Hinckley, and he said he did; and I asked if he reported any other officer.

The CHAIRMAN. He don't know what you mean by reporting an officer.

Mr. PRESCOTT. If the superintendent don't know what is meant by reporting an officer, I will endeavor to make him understand. I want to know if he reported Mr. Brown, of the Garden House, to the trustees?

The CHAIRMAN. Put it in that way—what he was reported for.

Mr. PRESCOTT. That is the identical question I asked before. I want to know if he reported Mr. Brown, of the Garden House; and if so, for what cause?

A. I don't remember that I have, sir.

Q. Will you say that you have not?

A. I don't remember that I have.

Q. I want to ask you rather more fully about what is expected of you in your quarterly reports to the trustees. I believe the trustees have a meeting once in three months, do they not?

A. Yes, sir.

Q. I notice in this report, which was submitted on the 1st of July, that the first page is occupied by statistics; and then you go on to speak about the contract on the chair-work, and speak about some figures; and then you go on to speak about Mr. Scott resigning the position of assistant superintendent, and Mr. Phillips being selected, and you say that he is doing well for one who is entirely new to the place, and that Mr. Chase will have to be relied upon to take charge of the official correspondence and the books generally; and you go on to speak of Mr. Wood, and say Dr. Harvey knows something about Mr. Wood and his fitness for the place. Then you speak of Leach Clark, that he and others made application for the use of a cottage for the use of their families; and then you go on to speak about the crops, and when the potato-rot made its appearance upon the farm; and then you speak of two mowing-machines, and when it will be necessary to purchase two horses in place of Fannie and Jack, as they are worn-out in the service. That, I believe, is a sort of *résumé* of your quarterly report to the board of trustees. Did not the board of trustees of that institution expect you to make some report in regard to the condition of the boys of the school, and the reformatory influence of the institution? Is not that the main purpose of the institution? Is it not the main idea that is actuating the board of trustees and the superintendent of the institution? Or is this institution simply carried on as a sort of farm?

A. Any report of mine covering those things you have mentioned would be superfluous, for this reason: The trustees are divided into committees, whose duty is to visit the institution at stated times during the quarter. The several committees make their report at the meeting of the trustees; and in regard to the health of the boys, the physician makes his report at the same time.

Q. But do you not report, when you report to your board of trustees, more in regard to the absolute condition of the boys and their improvement,—their reformation, what success the plan of reformation is having there in the institution,—than you have reported in this quarterly report submitted in July last?

A. The reports may vary a little on particular subjects. If there is any special want, I generally intend to cover it.

Q. (By Mr. TRAIN.) Isn't that issue a subject of conversation between you and the trustees at the meeting, rather than to be put into the report?

A. Yes, sir. One of the trustees is expected to visit the institution every two weeks, and they report on the condition at the next meeting.

Then there is probably a conference takes place and matters are discussed.

Q. (By Mr. PRESCOTT.) You refer in this paper to Mr. Hinckley and his discipline; I would like to ask you if you haven't said to a member of the Legislature, in this room, that Mr. Hinckley had made all this trouble in regard to this school, because he was degraded to a subordinate position?

A. I may have said that in substance. I don't know that I worded it in that way.

Q. Do you consider it being degraded to a subordinate position by being transferred from a small house, accommodating 74 boys, to a larger house, accommodating 32?

A. I considered the transfer of Mr. Hinckley from the Peters House to the Farm House, for inefficiency, a degradation. He was not able to perform the work.

Q. (By Mr. SANBORN.) Is not the Peters House the easiest managed?

A. No, sir.

Q. Is it not considered at the institution to be what some call a safe place to get into the Peters House?

A. No, sir.

Q. Have you any boys in the institution now who have committed assaults upon officers?

A. I don't remember any except those who assaulted the officers with bows during the night of the riot. There is some of that class there.

Q. The boy Fitz-Gibbons was sent to the house of correction for making an assault upon Mrs. Moore, was he not?

A. Yes, sir.

Q. You punished Fitz-Gibbons after the assault?

A. Yes, sir.

Q. I won't ask you particularly in regard to the punishment of Fitz-Gibbons. What clothes did he have on when you punished him?

The CHAIRMAN. State the color of the clothing.

A. If I remember aright, he had on his shirt.

Mr. PRESCOTT. I object to any remarks of this kind, even by the Chairman of the Committee. I believe the Chairman examined the superintendent of this institution almost two days, and I desire to know whether I have the right to ask those questions or not. If I am not allowed the right by the Chairman, I propose to submit the question to the judgment of the Committee, and I don't propose to be trifled with. Full opportunities have been given to the superintendent to show up the beauties of the institution by direct examination by the Chairman of this Committee, and I propose to cross-question him upon some of the same matters that the Chairman of this Committee questioned him about, and if I have not the right to do it, I will remain silent, and if I have the right to do it, I hope I shall have the privilege of going on without interruption.

[The Chairman stated, that it was understood that Hon. Theodore Lyman desired to make a statement before the Committee, and that he and

Sheriff Clark were present. He asked that the examination of Colonel Shepherd be suspended for that purpose.]

Mr. PRESCOTT. I am entirely willing to suspend at this time, but I desire to state, that as he was examined for several hours in his direct examination, I intended to spend a little more time than I have in cross-examining him; and I thought it hardly courteous for the Chairman to make the remark he did. But let that matter pass. I took occasion to ask a gentleman connected with the institutions of the city, of which I am a director, to be here, and as he and Sheriff Clark are present, I will willingly waive, that they may be examined.

STATEMENT OF THEODORE LYMAN.

Q. (By the CHAIRMAN.) You were formerly a member of the board of trustees of the institution at Westborough?

A. Yes, sir.

Q. What time were you a trustee, and how long?

A. I was a trustee for a year before I was turned out.

Q. When was that?

A. I was turned out in 1860, or my colleagues were. I resigned.

Q. Have you been familiar with the institution since 1860, more or less?

A. I cannot say I have been familiar with it; I have followed its general course.

Q. You were entirely familiar with the original design?

A. That, I think I am.

Q. Without asking you any questions, we would like to have you inform us with regard to its original design, and with reference to your knowledge of the change in the character of the institution, and your ideas with reference to it, as we have got to legislate with reference to its needs.

A. I think I can do that in a very short space, and perhaps I can do it more briefly by quoting a few printed lines. If we turn back, Mr. Chairman, to the Act of 1846, for the erection by the State of a manual-labor school, we find a message from Gov. Briggs, to the then house of representatives, recommending the passage of certain resolves appropriating money, and transmitting the report of three commissioners, who had general charge of the investigation of the subject and reporting upon the advisability of such a school; and he quotes the following words of the commissioners as being worthy of note:—

“Of the many and valuable institutions sustained in whole or in part from the public treasury, we may safely say, that none is of more importance, or holds a more intimate connection with the future prosperity and moral integrity of the community, than one which promises to take neglected, wayward, wandering, idle and vicious boys, with perverse minds and corrupted hearts, and cleanse and purify and reform them, and thus send them forth, in the erectness of manhood and in the beauty of virtue, educated and prepared to be industrious, useful and virtuous citizens.”

Now, Mr. Chairman, this commission consisted of A. D. Foster, Robert

Rantoul, and Samuel H. Walley, Jr. Their recommendation, you will observe, was for a manual-labor school, of which they say in their report:—

“Manual-labor school, for the employment, instruction and reformation of juvenile offenders; regard being had, in the selection thereof, to the centre of population, cheapness of living, and facility of access.”

I assume, then, that the original intention of this school was that it would be a place where boys should work, and that they should be strictly young or juvenile offenders. At this point, my father, who took a deep interest in these matters, entered into secret correspondence with Mr. Foster and others, in regard to this matter, and offered certain moneys, which he afterwards paid, by way of encouraging the undertaking; and he afterwards, in his will, left certain other moneys, which were duly paid. Now, Mr. Foster addressed to him a letter of questions; and such a letter was addressed to numerous other gentlemen, and their answers are printed. At the time the letter was addressed to Mr. Lyman, no one knew he was interested except as a well-wisher. I find in his answer to the question, the following:—

“No. 2. *Age of Admission.* If former character to be considered.—Not over 14 years. Boys of that age are difficult to manage; if they have been for some time in a vicious course, they become, by 14 or 15, hardened, bad themselves, and very fit to make others bad. Not much attention to be paid to former character as to admissions; for the object of the school is a general one; namely, to employ, instruct, and reform juvenile offenders. The exceptions under this general rule, as to admissions, should be in cases of boys who have shown a very depraved disposition; for a few boys of that description in the school might retard, if not prevent, the reform of others, and get no good themselves. Where the probability is very strong that a boy is not susceptible of reformation, he should not be admitted, because the probability is greater that he will do harm to others, than that he will derive benefit himself.”

“No. 4. *Offences.*—No rule, except where the offence manifests great and especially deliberate depravity. As was said under No. 2, such boys are very difficult to manage; their example often does great harm to other boys, and, as the object of the institution is to reform, it is proper and necessary to take into account all the circumstances or considerations that may prevent, retard or diminish the reform, or the improvement of the greatest number.”

“No. 5. *Commitments.*—By courts alone. The institution should be considered a place of punishment, as well as a place for reform, and as under the authority of the State. It will, otherwise, do little good. If thought to be a school and farm, where boys are only obliged to learn and to work, many boys will not be unwilling to go, and still more, parents will not be unwilling that their boys should go. I should give no character of disgraceful punishment to the institution, but the character of a state school, with an established system of rules of government and discipline, where boys are received because they are not fit to be at large, and where they are kept and trained till they are considered fit to be restored to society.”

Then he goes on in regard to the—

“*Provision for Discharge.*—It is desirable to obtain situations for boys, with a certificate of good conduct, and with suitable clothing. Whether a sum of money should be added, must depend on the circumstances of each case. But the time of the discharge of a boy is a critical moment

for him, and it is just then that efforts should be made to furnish him with respectable occupation, and to keep him, and to enable him to keep himself, out of the way of former habits and associates. A few hours of neglect or inattention at this period may undo months of care and good conduct."

Then he adds:—

"As to the last four topics, viz., discipline, trades, employment, and instruction, they are all, so to speak, practical topics, and in regard to them, the opinions of practical men, such as the superintendents of houses for juvenile offenders, will be found to be most valuable, more especially as it respects the first topic, discipline. As to trades, it is desirable to avoid to some degree sedentary ones,—such as shoemaking and tailoring, on account of the health of the boys. . . . Amusements should be *regularly* provided for the boys,—games of ball, skating, coasting, etc. All boys should be practised in singing."

And then he goes on with some details, concluding with—

"The general business of the school will be agriculture; but in the winter months, more time will be given to the instruction of the boys, not only in the common branches of education, but it may be, also, in some mechanical trades."

That is about all of it. It is a short letter. This is the letter of a man who did not give time, who did not give money, or take an interest in this enterprise from a sudden impulse of humanity, but because he made a study of this for many years, and continued to make a study of it, and therefore it represents, in the two pages, his views. Now, of course, the State is not bound to follow his views, as he may have been mistaken; but as he was a man of good, sound, common-sense, and did something toward starting the institution, those views are entitled to consideration.

Now, Mr. Chairman, I would like to say one word in regard to discipline, not as having any direct bearing upon this investigation, about which I have no opinion, and do not propose to have any; I think there are reasons why I had better not; I do not know the circumstances, and fully rely upon the Committee to investigate the matter properly, and I am not really here to state any opinion about the thing, or to recommend anything. My father dismisses the whole matter of discipline in a very few words, while almost everybody else doesn't get through with it in less than 20 pages of indulging in glittering generalities. It is a very brief subject, and may be treated very briefly. We all know that a little more than half a century ago, the punishments authorized under the English law were so severe, as to be considered barbarous. It is true, the laws were not carried out, and mercy began to regulate the legislation in regard to criminals, and I am aware that Sir Samuel Romilly addressed the English House of Commons, sixty years ago, on the subject of the English criminal law. There were statutes by which the stealing of property to the amount of five shillings was made a capital offence, and punished with death. Sir Samuel Romilly showed the enormity of those statutes, and he charged that a large part of the criminals were let off by connivance with the jury, so strong was the feeling of the jury

against the law. The bill repealing the law was defeated in the House of Lords, and was not passed till a later period.

Now, these barbarous statutes had produced a profound impression upon the public; but there was one type of punishment there which stood above all the rest, and that was flogging. People nowadays, whose ideas are more euphemistic, call it corporal punishment; I like to call a spade a spade, and I call it flogging. It was the chief type of punishment there. People were brought to the stocks and horribly flogged with a thousand lashes on the bare flesh; and the punishments were so severe, that they had to be given in batches. In fact, the hardest way of punishing a man was to flog him. The consequence was, that as the spirit of mercy grew, the popular mind very naturally and properly was turned against flogging.

Now, you will find, that if you look at any investigation, the thing that particularly horrifies people most, is not solitary confinement, or numerous punishments which I will mention, but it is flogging; and the question now arises whether this is a reasonable and well-grounded idea, or whether it is, in some cases, exaggerated. It is agreed by all persons that, in all penal institutions, you must have some punishment; and everybody is agreed upon the lighter forms of punishment—deprivation of play and food, or having an extra amount of work, and the like. Then there will come a certain class of cases, where boys or men are especially bad, and every one agrees that something severer should be done. Now, here is the question that stares us, and every superintendent and trustee, every person in charge of a penal institution, in the face: What is to be done with them?

We will confine ourselves strictly to an institution for boys. What are you going to do with a lad, 18 years old, who is deliberately and persistently malicious. Well, they say, confine him. Let us look a little into solitary confinement, on bread and water. As every physician will tell you, if you confine that class of boys in solitary cells, you bring among them certain forms of vice which will reduce them to idiocy in a very short time. That is a fact; we have got to look it in the face. You will take that boy out of the cell in a condition, in a state, which you cannot, perhaps, counteract; and the only way to do it is by putting him to hard work during the day, so that he will be thoroughly tired at night. Therefore, under certain restrictions, and in a certain way, solitary confinement is detrimental.

Then there is the punishment formerly practised in the New York prisons—the douche. I don't mean merely the throwing of a bucket of water upon a boy; but the real douche of the prison, where a man is put into a tight box, like a shower-bath, and a quantity of water is suddenly thrown upon him. There you have a tremendous shock to the nervous system, which in one or two cases has resulted in death; therefore, I think we would say the douche should not be used.

Then we might go on and cite many other punishments. We might refer to the experience of the army. We all know what that was. Flogging was interdicted, and what was the consequence? Discipline had to be maintained; every man in a regiment had to be disciplined, and we

all know what took place in some of our best regiments, officered by our best men. Men were tied up, sometimes by the wrists and thumbs, and bucked and gagged, and thrown into the river. All these things were done in some of the best regiments, but not in every regiment.

Mr. SANBORN. I would ask if he knows whether they were inflicted in the regiment in which Col. Shepherd served?

Mr. LYMAN. I do not know anything about Col. Shepherd's regiment, though I know Col. Shepherd was in the service. I was speaking in a general way, and I specially wish to avoid any particular allusions in this matter; I merely used it as an illustration of the means used to get around flogging.

Now, I have given some little thought to this, Mr. Chairman, and have thought it over these 20 years; and although I very much disapprove of any violence,—I think all Massachusetts people do; we are brought up to disapprove of violence,—I have very grave doubts whether flogging administered occasionally by the proper persons, under proper restrictions, is not, for a certain class of offences, the most effective mode of punishment. That is merely my individual opinion. It may not be so.

Mr. SANBORN. Allow me to ask Col. Lyman if, when he was trustee, he acted upon this opinion? If he had formed it then?

Mr. LYMAN. I had not formed my opinions then as they are now, because as one gets on in age, he thinks more, sometimes.

Mr. SANBORN. True.

The CHAIRMAN. I would request Mr. Lyman to go on, and after he is through, we will ask him questions.

Mr. LYMAN. Perhaps that would be the better way, and the gentleman can question me when I get through.

Now, in these few remarks on the matter of discipline, I am merely giving my individual opinion, based on a certain amount of observation and experience; but what I came here to speak of principally, is the trouble which I think lies at the base of all these investigations, and these troublesome examinations. You will observe, sir, that these investigations are not only disagreeable and painful to parties concerned, but they are a great damage to the institution. You have brought people up here who have served as trustees without compensation, and have hauled them over the coals; and although it should be done, if necessary, it is a bad thing to do, and creates a certain amount of discontent among people who have worked hard, and feel that they are not appreciated. I think it is a damage to the institution.

But I want to say one word, which is this: In the original document just quoted, my father says that boys not over 14 should be sent to that institution; and I can conceive that the breaking through of this rule, and allowing boys up to 17, has laid the foundation, and will continue to be the foundation of all the troubles, great and little, we have experienced. The reason he probably put the age at 14, was because they are, in our climate, about the age of puberty, and after that you have an accession of new passions which, unless a boy is taken before that time, often makes him almost impossible to manage. Therefore it was that he proposed 14 as the proper maximum age.

I don't want you to think, Mr. Chairman, that I am a pessimist. I am an optimist, in my view of humanity, if I may be allowed to say so. Nevertheless, I am not a sentimentalist, and I don't believe we ought to do the same thing with every man, woman or child. The boys who ought to be sent to Westborough are distinctly criminal boys. My father used to say,—and remember too, as a fact,—that the trouble about the criminal classes was their stupidity, and consequently there is great difficulty in reforming them. That is perfectly true, and there are physical causes for it. These boys who ought to be sent to Westborough represent in themselves the transmission of the vices, disease and atrophy of the brain, and every kind of bad quality which a boy may have in one form or the other. They represent, in other words, the hereditary accumulation, as a general rule, of these traits. Dr. Darwin has told us something about that, but it is older than that, for in the Old Testament it is said that the sins of the fathers shall be visited upon the children, even unto the fourth generation.

Now, the question is, What are you going to do with those boys? The trouble is, they do not care for you; they do not appreciate your intentions. The first thing is discipline. They must be got out of the gutter; they must get the regular tick and pendulum motion, back and forth, and when that is accomplished you can do something for them. But discipline you must have first.

Now, take one of those boys of 13 or 11,—I undertake to say that any good superintendent can reform him. And when I say reform, I don't mean as good as our best New England boys, who have inherited for generations good tendencies and good religious training; but they will follow some trade, get married, and will not get into prison, and probably not get drunk. That is about all we can hope for. I consider myself an optimist as far as that.

But if you take them over that age, you will say, reform them by any means. But their example there will be such that they will ruin the rest of the smaller boys. If you send boys there over 14 years, you will make it a double-headed institution; on the one side a house of correction, and on the other side a penal institution in the sense of a reformatory for juvenile offenders, and you will call upon the superintendent to perform this double duty. No one man is competent to do this duty. You want separate men, and it is unreasonable to ask it of any one.

As an illustration, I noticed in the last report that the average age of the inmates was between 14 and 15 years old,—over 14. In those I noticed they included 31 over 15, 43 over 16, and 18 over 17.

The CHAIRMAN. The average last year was over 15.

Mr. LYMAN. Yes, sir; I meant that it was near 15, one way or the other. That makes my point stronger.

Mr. SANBORN. I would say that the average is made by taking the ages of the boys when first committed and retained.

The CHAIRMAN. I took it as you gave it to me.

Mr. LYMAN. I took it from the report. Among these I found 35 burglars and one juvenile attempt at rape. I don't think my father intended

that 35 burglars should be sent to that school. He may have been wrong, but I don't believe he intended it.

I believe I have stated clearly what I wanted to say, and I wanted to say briefly why I think the law should be changed to the original intent as it was in 1859 and as it remained 14 years; and I think it is reasonable to say that an institution like that may do a deal of good. I believe that is all I have to say, sir.

Q. (By the CHAIRMAN.) Whether you have visited the institution during the last two or three years?

A. Yes, sir; I was up there about a year and a half ago, I think.

Q. What was your impression about the general appearance of the institution then?

A. I was very well pleased with it indeed. I don't wish to state that my opinion, from a mere visit, is entitled to much authority, except that I have been accustomed to looking into the condition of the criminal classes, and I have investigated them somewhat in Europe, and may judge better than the average person. I found some things better than they used to be. When I was up there before, it wasn't as clean as I liked to see it. It was pretty clean, but it wasn't clean enough. They did not give enough amusement to the boys. I noticed the cleanliness of the buildings, and that the appearance of the boys was very good. There were a good many large boys, more than I wanted to see, and I noticed many boys there enjoying good influences. On the whole, I was quite pleased with what I saw, and I didn't see anything to criticise.

Q. (By Mr. GILBERT.) Who was superintendent when your term of service expired?

A. His name was Starr.

Q. What year was that?

A. Eighteen hundred and sixty.

Q. That is about how long?

A. Seventeen years ago.

Q. About the time Mr. Allen came there?

A. Mr. Allen was his immediate successor. Mr. Allen came on the 10th of January, 1861, if I remember aright. The school was burned in 1859.

Q. (By Mr. SANBORN.) Whether, when you were a trustee at Westborough, you heard of these punishments by flogging which you now hear of?

A. Yes, sir; about the same.

Q. Did you introduce flogging at Westborough?

A. No, sir.

Q. It existed there before?

A. Yes, sir.

Q. To what extent?

A. A very small extent—I will not say that; but to a limited extent, so far as I know, and I think I know the circumstances.

Q. On what part of the person were the boys flogged?

A. Well, I do not distinctly remember, but I think on what we classical people would call the *meatus maximus*.

Q. You do not remember distinctly about that particular part of the system?

A. No, sir; Mr. Starr, I think, used to administer most of the floggings, and I remember that after an investigation somewhat similar to this, it was suggested that there should be a record kept of the amount of corporal punishment. We thought that was a very good suggestion, and we had a record-book kept. I used to look over it, and the sum-total of it was very small. The number of stripes was moderate.

Q. About how many officers had you then in the institution, should you say?

A. I should say 30; but it is 17 years ago, and perhaps I do not remember correctly.

Q. How many of these 30 officers were allowed to flog the boys?

A. My remembrance is that the superintendent was expected to do everything in the way of serious punishment.

Q. Did you regard that as a good regulation?

A. I think I did. If you are obliged to have any flogging, it is my private opinion it should be a matter of considerable care; that is to say, it should be administered with a great deal of care, and never in temper, and of course by a limited number of officers. The number of officers who should administer it should be guided by common-sense and a proper amount of power.

Q. You are used to schools in the West, I believe, Mr. Lyman?

A. I have been in my time.

Q. What would be your opinion of such an instrument as this for administering punishment there?

The CHAIRMAN. That is not a question that has any bearing upon this case.

Mr. SANBORN. I submit that it has.

The CHAIRMAN. I shall decide that it has not. You can ask Mr. Lyman what he thinks of using that, or any other form of punishment, in this institution.

Q. (By Mr. SANBORN.) During your service as trustee, did you have large straps like this, or any of these, used for the punishment of boys?

A. I think I have the remembrance of Mr. Morrison, perhaps his name was. He was in the chair-shop, and a pretty good officer, but a pretty strict disciplinarian; on the whole I considered him a good officer. I think, if I am not mistaken, he had a little strap about half as long as that and about that thickness.

Q. (By Mr. ALLEN.) About ten inches long?

A. I guess it was.

Q. (By Mr. SANBORN.) How did he use that?

A. I think he occasionally struck a boy; he brought him up when he was refractory, and struck him with it. I remember him very particularly, because, although he was a strict disciplinarian, he was a good officer in other respects.

Q. If you had found one of your officers striking a boy on that part of the body, which I suppose you mean, but which has been called in

this examination by another name, 50 blows with that, the boy's person being bare, what would have been your opinion?

A. Let us see [striking himself with the strap], I do not think it would hurt him much.

Q. I remember, Mr. Lyman, when Mr. Sumner was beaten in the Senate, the question was asked does a gutta-percha cane hurt much. But what I want to ask you, is, What would have been your action and opinion as a trustee if this Mr. Morrison, of whom you speak, had flogged a boy on the back, say with 50 blows, with this strap?

Mr. ALLEN. The boy being naked.

A. I should say it would depend on what the regulations of the school were, and what his offence was. Perhaps I can illustrate that better than by the answer which I make to your question. I should consider that 12 blows with an instrument used formerly in our younger days, but not since, would be worse than 50 with that. I think, for instance, a cow-hide,—I do not know as you were ever subjected to it; I never happened to be, perhaps because I was too sly,—but I think a cow-hide, which brings the whole force of the blow on a narrow point, would be worse than this strap. You do not have the leverage. You will remember we learned about levers of the first, second, and third degree.

Q. I would like to have my questions answered more seriously. If you had found one of the boys in the institution had been struck 50 blows with this strap, or 40 blows with that strap, on the bare person, what would have been your action as a trustee?

A. I should have considered it, under general circumstances, excessive.

Q. What would you have done about it?

A. That depends.

Q. Would you have continued that officer in service?

A. That also would depend. For instance, I am not much struck with this first strap you showed me.

Mr. SANBORN. A good many of our friends at Westborough have been a good deal struck with it.

Mr. LYMAN. I thought you were going to be serious, Mr. Sanborn. This is not a severe instrument of punishment, but I will say in general, and it will, perhaps, answer your question better, that I do not think 50 blows ought to be struck with anything. I think the instrument should be severe enough, and, at the same time, not dangerous, to render a smaller number sufficient.

The CHAIRMAN. I will say we have no testimony that 50 blows have been struck in any one case.

Mr. SANBORN. Mr. Dudley's reports show that some of his trust boys received 50 blows at a single punishment. Mr. Dudley has not been here, but the uniform testimony has been that when the blows were so numerous they were inflicted on that part of the person which has been described

Q. (By Mr. SANBORN.) I will not pursue that any further, Mr. Lyman, but I would like to ask you for what alleged cause the board of trustees, of which you were one, were removed?

A. They were removed for exactly the same thing,—for tolerating improper punishment of boys. I was not removed, simply because my name was Theodore Lyman; I was just as guilty as they were, and resigned when they were discharged.

Q. What was the alleged cause of their removal?

A. That was not grounded on flogging, but it was grounded on confinement in cells, if I remember right; we had, I think, only confinement in cells—in improper cells, and for too long periods.

Q. Whether or not, if, in addition to that, it had been discovered that a single teacher in a school had, within eight months, struck 1,525 blows on 69 boys, with a strap of this kind, whether that would have increased or diminished the weight of the charge on which the trustees were removed?

A. I recollect when you and I were in college, Mr. Sanborn, the president asked you if under the circumstances you would do the same thing once again, and you said you probably would. That is just as hypothetical a question as the one you ask me, and I do not know anything about it. Excuse me, I am going on with my answer. It requires an intimate knowledge of the mind of the late General Nathaniel P. Banks, which no man ever had.

Q. Late General?

A. Late General. He is not General now, sir; he is Honorable.

Q. Well, was politics the cause of their removal?

A. No, sir; I thought I answered that. It was for tolerating improper punishments.

Q. Was it carrying pistols?

A. No, it was not. I knew of an instance of a pistol being drawn and fired by a subordinate officer. The trustees took very serious account of the matter, and had it thoroughly investigated and stopped.

Q. Was the man discharged?

A. I think he was not. He had been a good officer, and was very severely reprimanded. He was the son of the superintendent, and the firing took place in the yard. A boy came up to him with a crutch which he snatched from another boy. I was very much displeased with it, and thought it was an extremely bad thing to do. We investigated the matter, and reprimanded him, and put him on probation.

Q. Is that the only use of the pistol that happened within your knowledge?

A. I did not know that they carried pistols before that time?

Q. Did you approve of the carrying of pistols by subordinate officers?

A. I did not in that instance. I should add that these boys who were put in these cells, which were objected to, were not very difficult to manage. There were a few boys who were thoroughly bad.

Q. What was the age, or about the age, of the boys there in 1860?

A. I have not looked at the tables, but I should say that it was older now than it was then. You see that in 1859 the law was changed, so that only boys of 14 could be committed to the Reform School.

Q. You mean boys below 14?

A. I say not above 14.

Q. When did you last visit the institution ?

A. I should say it was a year and a half ago. I went out with Mr. Deblois and spent the day.

Q. Whether or not the boys at that time impressed you as being so greatly deprived of development as the class of boys you have described in your general remarks ?

A. Well, I could compare them better with the time I knew them in the school. They looked to me very familiar; that is to say, about the type of boys I used to see, except there were some large, bad-looking boys—large boys confirmed in crime. I observed accidentally in the testimony of one of the trustees, that he was surprised at the number of large boys. It struck me in the same way.

Q. You are aware that flogging was abolished in the United States navy ?

A. I am ; and in the army also.

Q. Whether or not you are acquainted with the punishments that immediately followed flogging in the navy.

A. I have heard of them. I know many were recognized, and some were not. I know officers have told me that where a man was very mutinous, he was handed over to a certain disciplinary band on board, who disciplined him in such a way that he came around.

Q. Whether or not you have heard of an instrument of punishment in the navy called the sweat-box ?

A. No ; and I have never seen this referred to here.

Q. (By Mr. ALLEN.) Did you ever hear of it before this investigation ?

A. No, I did not know what it was. I have not read the testimony ; I have somewhat purposely avoided it, because I did not wish to be mixed up with it ; but I have read a little passage here and there. When I saw that mentioned, I supposed it was something through which a steam-pipe passed, and through which a boy was made very warm for a while, or something like the dry-room of a manufactory.

Q. The result is the same.

A. I have since heard it described.

Q. From what you have read of the sweat-box at Westborough, should you think it an instrument that you, as a trustee, would be likely to introduce there ?

A. I have no opinion on that, because I have only a description of it. I cannot have any opinion, unless I absolutely go there.

Q. (By the CHAIRMAN.) If you knew it was a box that several boys, testified they went to sleep in, should you think it was a severe method of punishment ?

Mr. ALLEN. Only one boy, and he said he was dizzy.

A. I do not know. The difficulty is, my testimony is of no value, for I am absolutely ignorant about this thing, and do not know anything about it.

The CHAIRMAN. I asked you merely as an apposite to Mr. Sanborn's inquiry.

Mr. SANBORN. I would follow it with another question.

Q. (By Mr. SANBORN.) If you heard of boys who had been shut up there, either by the superintendent or trustees, in a room as large as that book-case, with a large coal stove discharging carbonic acid gas into that room rapidly,—if you knew of such a case as that, and found a boy asleep, should you regard the fact of his sleeping an indication that it was a proper place of confinement?

A. No; that would indicate that there was not a large amount of carbonic acid gas there. Your chemistry is rather weak.

Mr. TRAIN. I submit that all this is very interesting, but a waste of time.

The CHAIRMAN. If you will be good enough, if you wish to make inquiries, to put them in a way that will elicit some information.

Mr. SANBORN. I have nothing further to ask. I agree with Mr. Lyman in many things, and he is very well aware I have advocated many ideas precisely the same, and I advocated them because they had his authority.

Q. (By Mr. SANBORN.) Now, I would like to inquire from Mr. Lyman whether he would retain these boys such as he saw in this institution, or would he send them to what is more distinctly a prison?

A. Well, always supposing I was right as to my prediction as to the character of the boys, there are perhaps boys whom I should have given alternative sentences. We had an alternative sentence to the house of correction, and if they did not behave properly, we sent them to the house of correction. That was done away with in 1859, and I do not know that it has been restored.

Q. But you would put that in practice?

A. Yes, predicating that the boys were what they seem to me, the bad boys I should send to prison.

Q. Well, now, my question is, Whether your father's remark, that boys bad themselves, and fit to make others bad, should not be tolerated in Westborough, does not apply there *a fortiori* to all this class of boys?

A. I think it does.

Q. Ought they to remain there a single day?

A. I think they should not. I think it is unfair to the rest of the boys, and unfair to the officers. I think you will make the officers double work they are not fitted for.

Q. (By Mr. PRESCOTT.) I understood you to say that the boys sent to Westborough are distinctly criminal boys. Do you mean to say that you think the boys, a large majority who are sent there, are inherently vicious, or is not this the fact, that a very large percentage of the boys find their way to Westborough because, perhaps, they have had no parents of their own, because they have had no home deserving the name of a home, have had no proper parental instruction and influence, and have gone to the bad really in consequence of neglect?

A. A certain number. There is always in every institution a certain proportion of that kind of people. In every institution of this kind throughout the world, you will find a certain proportion of just such boys as you describe.

Q. Do you not think a very large majority of these boys are sent

there because they had no home deserving the name of a home, and have been deprived of that parental influence which it is necessary for a child to have to grow up in habits of morality and virtue?

A. That is implied by my general statement, that they have inherited all these vices.

Q. Well, the parents, as I understand it, are addicted to all kinds of vice like drunkenness and profanity. These children are not, as I understand it, to any great extent, the children of great criminals, in the proper sense of the word?

A. No; not all great criminals, but the very vice of drunkenness entails it upon them.

Q. Well, should not the rule and aim of the officers be to throw a parental influence over these boys?

A. Of course.

Q. And attempt to govern the boys as you would those in your family?

A. Of course, if you can; certainly.

Mr. ALLEN. There are three boys here who have been in attendance four or five days, who desire to testify before the Committee. Their examination will be very brief.

The CHAIRMAN. Very well; just call them forward all at once.

[Edward Morris, Malachi Fitz Morris and Thomas Leonard were sworn.]

EDWARD MORRIS—*Sworn.*

Q. (By Mr. ALLEN.) How old are you?

A. Nineteen.

Q. Were you ever at the State Reform School?

A. Yes, sir.

Q. When did you leave there?

A. A year ago the second of last October.

Q. How long had you been there?

A. Two years and three months.

Q. Did you receive punishment while you were there?

A. Yes, sir.

Q. By whom?

A. By Mr. Davis and by Mr. Cummings.

Q. Where was it, what was it with, and what was the extent of it?

A. On one occasion it was for whispering in the chair-shop, and Mr. Cummings punished me by taking me down in the bath-room, taking down my trousers, and punishing me on my legs.

Q. To what extent?

A. I should judge between 20 and 25 blows.

Q. Were marks left?

A. Yes, sir.

Q. For how long a time?

A. A week or so. The other time was when I was coming down-stairs, a large boy behind me shoved me along; I turned round and told him to stop, and Mr. Tibbetts told me to report him at night; I didn't report him, and he came up and took me out and punished me.

- Q. At what time?
- A. Soon after I went to bed; about eight o'clock.
- Q. Who did this?
- A. Mr. Tibbetts.
- Q. What clothing had you on?
- A. I only had my shirt on.
- Q. What did he punish you with?
- A. A strap.
- Q. How severely?
- A. He gave me seven or eight blows on each hand, and about as many more on the back of the legs.
- Q. State whether you have seen marks on other boys who have been flogged?
- A. Yes, sir, I have.
- Q. What kind?
- A. Black and blue, with lumps. I have seen them where the end of the strap struck.
- Q. How many boys have you seen marked in that way?
- A. Several.
- Q. How many have you seen with black and blue marks, where they received floggings?
- A. About half a dozen, or more.
- Q. (By the CHAIRMAN.) How many times did you say that you were punished?
- A. I should judge I was punished between 30 and 40 times altogether.
- Q. How long were you there?
- A. Two years and eight months.
- Q. Did you know you disobeyed the rules?
- A. Yes, sir, I did.
- Q. Do you think boys who disobey the rules ought to be punished?
- A. Yes, sir; but sometimes they don't.
- Q. Were you punished when you did not do wrong?
- A. Yes, sir.
- Q. Do you remember the particular time?
- A. I do.
- Q. Who punished you?
- A. Mr. Cummings.
- Q. What did he say you had done?
- A. Somebody threw a marble at him, and two boys were taken out for punishment, I and a boy named Cunningham.
- Q. How many times do you think you were punished, when you ought not to have been?
- A. About a dozen times.
- Q. Then you have been punished between 30 and 40 times in all; about a dozen times when you ought not to have been, and the rest when you thought you deserved it, I suppose?
- A. Yes, sir.
- Q. Do you think, when you had done wrong, you were punished too hard for the offence you had committed?

A. I was, on some occasions.

Q. Generally speaking ?

A. No, sir.

Q. Generally speaking, then, you think the punishment was about what you deserved ?

A. When I was punished after I had done anything that was wrong.

Q. Who was the superintendent ?

A. Mr. Shepherd.

Q. Did you know the trustees of the institution ?

A. I did, sir.

Q. And sometimes you thought you were punished too hard ?

A. I did, sir.

Q. Did you have an opportunity to talk with the superintendent every day ?

A. Yes, sir.

Q. Did you ever tell the superintendent that you thought you had been punished too hard ?

A. No, sir.

Q. Did you ever tell any of the trustees ?

A. I talked with one of them, once.

Q. What did you tell him ?

A. I told him I thought I was punished too severely, and he said he would see about it.

Q. What was his name, do you remember ?

A. I think it was Mr. Pond.

Q. Of Worcester ?

A. Yes, sir.

Q. Well, then, on that time you complained to Mr. Pond ?

A. Yes, sir.

Q. And these other times when you thought you were punished too severely, did you make any complaint to Mr. Pond ?

A. No, sir; I did not.

Q. Well, now, if you thought you had been punished too hard, why didn't you complain to the superintendent ?

A. I thought it would not do any good.

Q. Didn't you think the superintendent treated you well ?

A. He did; but the officers did not.

Q. You liked Col. Shepherd ?

A. Yes, sir; I used to like him much.

Q. If you were treated well by him, why didn't you tell him you thought you were punished too severely ?

A. I had seen others go up, and I thought I would not go in there.

Q. Did you continue to like the superintendent when you were punished too severely ?

A. Well, he didn't know it at the time, probably.

Q. Didn't you know that if you had told the superintendent that you were punished too severely, or that you ought not to have been punished, —didn't you know that the superintendent would have paid some attention to it ?

A. I don't know, sir.

Q. At the time, did you really think that you were punished when you didn't deserve it?

A. Yes, sir.

Q. And yet you said nothing about it to any one?

A. No, sir.

Q. Was you ever punished in any other way than by strapping?

A. I was punished by strapping, and I was put on short rations and to carrying buckets.

Q. But, generally speaking, when you were punished, you deserved it?

A. No, sir.

Q. Didn't I understand you to say you thought so?

A. Part of the time I did, and part of the time I didn't.

Q. (By Mr. PRESCOTT.) How old were you when you received these punishments?

A. About 16 or 17.

Q. You speak of being punished by carrying buckets; what is that?

A. We had a yoke and had to carry two buckets of water, and walk about the yard during play hours.

Q. Where was this?

A. Out in the yard. It has been abolished since.

Q. You had a yoke for your shoulders, and carried buckets. For how long a time?

A. I have carried them for a week and a half, sir.

Q. How many hours during the day?

A. During play hours.

Q. With the yoke upon your neck?

A. Yes, sir.

Q. Where the other boys were?

A. Yes, sir.

Q. You have been punished by confinement in the sweat-box, have you?

A. No, sir.

Q. Have you known of any boys being punished by confinement in the sweat-box?

A. Yes, sir.

Q. Have you seen any boys who showed the effects of confinement there?

A. I have seen one boy; he said he was sick, and he was loafing about a week afterwards.

Q. Who was the boy you saw?

A. James McGee.

Q. You say he was sick after confinement in the sweat-box?

A. Yes, sir.

Q. Do you know anything about it yourself?

A. I saw him loafing around, and he looked sick,—kind of blue.

Q. (By Mr. HYDE.) You said you did not complain to Col. Shepherd of the punishments you had?

A. Yes, sir.

Q. Since you left the school have you ever returned there?

A. I have been there on a visit, sir.

Q. About how long after you left the school?

A. Nine months or more.

Q. At that time, did you talk with the boys, or did you talk with the boys at any time when they were assembled?

A. I talked with a few of them.

Q. Did you make a speech to them, or anything of that sort?

A. I said a few words.

Q. Where were the boys assembled?

A. In the chapel.

Q. State, if you can, the substance of what you said at that time,—the general nature of your remarks?

A. I don't know as I can say, now, it was so long ago.

Q. You can tell whether you spoke against the school or in favor of it.

A. Well, I told them to behave themselves well and they would get along.

Q. You recommended them to behave?

A. I recommended them to behave the best way they could.

Q. I don't understand.

A. I believe that is what I said; but I am not positive.

Q. Did you give them any of your own history,—your own experience in the institution?

A. I do not recollect that I did.

Q. Did you tell them the reasons why you were permitted to leave the institution?

A. I told them I thought it was on account of good conduct.

Q. How long before the time you were dismissed from the school were you punished?

A. Not a week.

Q. Then you think that your conduct was sufficiently good, so that they dismissed you from the institution?

A. Yes, sir.

Q. Although, at the same time, you were being punished?

A. Yes, sir; it was kind words that made me good there, the last part of it.

Q. For a week?

A. For a year, sir.

Q. Then, at the same time you were receiving kind words, which made you good, you were being punished?

A. I only got punished that once for about six months.

Q. That time you did wrong?

A. Yes, sir; I whispered, and that is wrong.

Q. What have you been doing since you left the institution?

A. I have worked considerable; I haven't done anything this winter but two months' work.

Q. Have you been living at home?

A. No, sir.

Q. Where have you been living?

A. Part of the winter with my aunt.

Q. Whereabouts?

A. In Newburyport.

The CHAIRMAN. I would not pursue that line of inquiry.

Mr. HYDE. I simply want to show, Mr. Chairman, that I understood the boy had been gaining a precarious living, lodging at station-houses, and leading a sort of vagrant life.

Mr. ALLEN. Many better boys than he have been obliged to do that, this winter.

Q. (By Mr. GILBERT.) Was this gentleman [Mr. Cummings] the teacher that punished you?

A. Yes, sir.

Q. Was he one of the teachers that punished you when you did not deserve it?

A. I was coming down-stairs, and a boy pushed me, and I told him to stop, and he punished me for whispering in the line.

Q. Did he punish you when you didn't deserve it?

A. No, sir; not that gentleman.

Q. (By the CHAIRMAN.) On the whole, you think the institution did you good?

A. Kind words from a lady officer did me good.

THOMAS LEONARD—*Sworn.*

Q. (By Mr. ALLEN.) You have been at the State Reform School?

A. Yes, sir.

Q. When did you leave there?

A. About two years ago.

Q. How long were you there?

A. About one year and eleven months.

Q. Were you punished severely while there?

A. Yes, sir.

Q. By whom?

A. By Officer Barnes, for whispering in the line.

Q. How?

A. Over the hand and over the back. He struck me with the strap over the head and gave me a black eye.

Q. What did he do first?

A. He licked me on the hand; then he licked me over the back.

Q. With your jacket taken off?

A. Yes, sir. Then I told him I had enough. I was in his room, and I tried to run under the bed. He put his finger in my mouth, and then he pulled me out, and told me to get out, and he gave me the strap over my eye.

Q. Did you bear marks of the whipping?

A. Yes, sir.

Q. How long?

A. About a week.

Q. Where did you work when you were there?

A. In the chair-shop.

Q. Did you work out of doors at all?

A. Yes, sir.

Q. Did you see the difficulty between the officer and the sick boy? Did you at any other time?

A. Yes, sir.

Q. What was the boy's name?

A. Abner Wells.

Q. What was the officer's name?

A. John Brown.

Q. Tell these gentlemen the circumstances, how it was?

A. They were out at work, and he brought Wells with him, and Wells was sick; and he told him to stand up by a tree, and he was so sick he fell down, and Brown came over and kicked him in the stomach, and he was sick. He told him to get up, and he thought he was trying to run away, and he gave him a kick in the stomach.

Q. Did you see him kick him?

A. Yes, sir.

Q. How long did that boy live after that?

A. I should judge about two months.

Q. Did he die at the school?

A. Yes, sir.

Q. What was the first word that passed between Wells and the officer?

A. I didn't hear any words pass.

Q. When did you first see the officer approach the boy?

A. When he was at work. He was standing by the tree, and the rest of the boys were working, and the officer told him to stay there; but he was so sick that he fell down, and the officer kicked him.

Q. Have you seen marks on other boys there?

A. Yes, sir.

Q. Black and blue marks?

A. Yes, sir.

Q. On how many boys?

A. I saw one boy so that he could not walk.

Q. Where were the marks?

A. On his legs; right here and there, were two bunches, and the blood was streaming out of them.

Q. By whom had he been punished?

A. By Officer Donovan.

Q. Have you seen boys with marks upon their backs?

A. Yes, sir.

Q. Do you remember who?

A. I have seen a few marks on the back of a boy, but I cannot remember his name.

Q. (By Mr. PRESCOTT.) What kind of a strap have you seen there? A piece of trace like that?

A. Yes, sir.

Q. As thick?

A. Yes, sir.

Q. Did you ever see any of the officers carrying a round strap, similar to that [a check-rein] ?

A. Yes, sir; longer and thicker than that.

Q. What officers have you seen carrying it ?

A. I have seen Barney and Donovan. The straps were longer and thicker.

Q. (By the CHAIRMAN.) Have you ever known officers to use an instrument like that [a slender wooden rod] ?

A. Yes, sir.

Q. Was it shorter than that, or of that length ?

A. That length, I guess.

Q. (By Mr. PRESCOTT.) Have you been punished in any other way than you have described here ?

A. No, sir.

Q. Have you been confined in the sweat-box ?

A. No, sir.

Q. Have you seen any boys showing the effects of confinement there ?

A. No, sir; I was not there at the time.

Q. Who was superintendent of the institution while you were there ?

A. Col. Shepherd.

Q. (By the CHAIRMAN.) How long did you say you were in the institution ?

A. I guess it was about a year and eleven months.

Q. Were you a pretty good boy while you were there ?

A. Yes, sir.

Q. How often were you punished, do you think ?

A. Ten or eleven times, I think.

Q. Do you remember for what you were punished ? You need not tell me about every time, but do you remember ?

A. Yes, sir; once for not doing anything; I was punished wrongly. A boy in school fired a button, and the monitor told the officer it was me that threw it, and I didn't throw it at all. I told him it was not me, but he would sooner believe the monitor than me.

Q. Well, were you often punished more severely than you ought to have been ?

A. No, sir.

Q. Then, at other times, you really think you ought to have been punished for what you did ?

A. No, sir.

Q. Why not ? If you disobeyed the rules, ought you not to have been punished ?

A. Yes, sir; punished, but not so hard.

Q. You think you were punished harder than you ought to have been ?

A. Yes, sir.

Q. Did you inform the superintendent, or anybody else, that the officers were punishing you too hard ?

A. No, sir.

Q. You did not ?

A. No, sir.

Q. Why didn't you?

A. There were several boys there that went up and did so, and I saw that they did not get any satisfaction, and so I didn't go.

Q. You say you saw officers punish with straps such as you see on that desk?

A. I have been punished myself.

Q. You saw several boys punished with an instrument like that [the slender rod]?

A. Yes, sir.

Q. Do you remember the time when you saw it?

A. We used to have one in the bathing-room.

Q. Well, will you see if you think that is the very stick, or very similar to it?

A. No, sir.

Q. Well, how does it differ?

A. It was a rattan.

Q. It was a rattan, was it?

A. Yes, sir.

Q. Whom did you see punished with a rattan like that?

A. I could not remember; I have seen officers with the rattan in the school.

Q. Have you seen them punish boys with that?

A. I have seen them when they were marching into the bath-room; if they would not get into line, the officer would hit them with one.

Q. You speak of seeing the backs of boys who had been severely punished; did you tell the gentleman so when he asked you the question?

A. Yes, sir; I have seen the legs of a boy who had been punished.

Q. And his back, you said?

A. No, sir; only his legs.

Q. How did you happen to see this boy's legs?

A. He showed them to the boys, when he came out.

Q. How long have you been out of the school?

A. About two years.

Q. What did you leave for? Was it to take a place somewhere?

A. Yes, sir.

Q. Then you had become a good boy there, had you? Good enough so that they could let you go out?

A. Yes, sir; I think I had.

Q. Don't you think so now?

A. Yes, sir.

Q. Then, being in school did you good?

A. No, sir; I don't think it did.

Q. You don't think that you were improved by being there?

A. No, sir.

Q. You think you might have been punished at school if you had been a good boy?

A. I don't know. Some of the officers like you and some of the officers like other boys; they will be up on one boy and down on another.

Q. Then, some of the boys get punished when they ought to be, and some, you think, when they ought not to be. You got punished once when you think you ought not to have been?

A. Yes, sir.

Q. (By Mr. HYDE.) You say at one time you were hit with a strap on the head, which gave you a black eye; that was the time you received the punishment upon your back in the officer's room?

A. Yes, sir.

Q. Did he inflict several blows upon your naked back?

A. Not naked; he told me to take off my jacket.

Q. He did inflict several blows with your jacket off?

A. Yes, sir.

Q. In what position were you?

A. I was bending down with my fingers to the ground.

Q. How did he happen to hit you in the eye? Did he miss, or do it intentionally?

A. No, sir. When he got through, he said, "Get out," and hit me with the strap over the eye, and I went to walk out and ran into the break of the dormitory; I could not see.

Q. You think he hit you intentionally there?

A. Yes, sir.

Q. You do not think you moved your body and the strap accidentally struck your head?

A. No, sir; it was after he was through punishing me; then he hit me.

Q. Didn't he strike for you, and didn't you dodge?

A. No, sir.

Q. You were remaining perfectly motionless?

A. He told me to get out after he got through with me, and then, when I was walking out, he hit with the strap.

Q. You say you saw officer Brown kick this sick boy, Abner Wells, in the field?

A. Yes, sir.

Q. In what field?

A. On the plains, down near the village.

Q. How did you happen to be there?

A. I was working, and saw the officer go over to the tree with him, and he was standing up.

Q. Were you in Mr. Brown's division?

A. No, sir.

Q. In whose division were you?

A. In Mr. Morse's.

Q. Were you at work in the same field?

A. Yes, sir.

Mr. PRESCOTT. Is this the Mr. Brown who is at the Garden House?

The CHAIRMAN. He has been away two years.

Q. (By Mr. HYDE.) Then, you spoke of another boy, and said that the blood streamed from his legs?

A. Yes, sir.

Q. How came you to see that?

A. After he came out, he was walking kind of lame, and the boys asked him if he got a strapping, and he told them yes. They asked him how much, and he showed them, and they looked at his legs.

Q. Where was it?

A. In the yard.

Q. Was there any officer in attendance?

A. Yes, sir.

Q. Did he show it to the officer?

A. No, sir; he showed it to the boys.

Q. Was the officer where he could see it?

A. No, sir; he was not looking. They can see in the bathing-room.

Q. It was the same officer who was in attendance that punished him?

A. I think there were two or three in the yard.

Q. What was the name of the officer?

A. Donovan. There were two or three in the yard.

Q. What was the name of the boy?

A. Finlan.

Q. You speak about being punished severely for a button that was thrown?

A. Yes, sir.

Q. Did you regard that as the fault of the officer, or as the fault of the monitor for telling him?

A. The fault of the monitor.

Q. Then, you do not consider that was an instance of severe punishment on the part of the officer that punished you?

A. No, sir.

Q. (By Mr. DAVIS.) Who was this officer that struck you over the head?

A. Officer Barney.

Q. Well, did he get pretty angry at you?

A. Yes, sir,—no, he was not angry; he was down on me, and he didn't like me.

Q. Well, when he punished you, did he manifest any temper?

A. No, sir.

Q. Did you ever hear officers swear, up there?

A. No, sir.

MALACHI FITZ MORRIS—Sworn.

Q. (By Mr. ALLEN.) How old are you?

A. Seventeen years of age.

Q. You have been at the State Reform School?

A. Yes, sir.

Q. When did you leave?

A. The first day of last July.

Q. How long were you there?

A. About six years.

Q. You knew the boy Gartland?

A. Yes, sir.

Q. Did you and he run away together?

A. Yes, sir.

Q. How soon afterwards were you taken?

A. The next morning, at five o'clock, at West Newton.

Q. And carried back?

A. Yes, sir.

Q. How soon was Gartland taken?

A. He was taken about six weeks afterwards.

Q. Do you know whether Gartland had been punished before he ran away?

A. He was punished out at the Peters House, by some one.

Q. Before he ran away?

A. Yes, sir.

Q. (By Mr. GILBERT.) How do you know?

A. We were all up in bed, and he took him down-stairs and licked him.

Q. Did you see him punished?

A. I heard him holla, and heard the blows.

Q. Did you see him?

A. I heard him holla, and heard the blows.

Q. (By Mr. ALLEN.) You knew it was his voice?

A. Yes, sir.

Q. Was this boy Gartland in the trust house?

A. Yes, sir.

Q. This was before you ran away?

A. Yes, sir.

Q. Now, do you know whether Gartland was punished after he got back?

A. No, sir; I don't know as he was punished when he was taken back, but when he came into the chair-shop his face was red, and he was crying.

Q. What did he say was the reason?

A. He told us fellows that he had been whipped. I don't suppose he got punished as other boys were punished, for he came right into the shop a couple of days after he got back, and any other boy would have been kept in the lodge two weeks or so.

Q. You say his face was red, and he was crying, and he said he had been whipped?

A. He told me so; I was right side of him at the bench.

Q. Did you see him after that, before he died?

A. Yes, sir; we used to be together.

Q. How long was it, after he was brought back, before he died?

A. I could not exactly say.

Q. About?

A. About seven or eight months.

Q. Were you in school when he had difficulty with the master?

A. No, sir; I was not down in that school.

Q. You did not know anything about the details of that?

A. No, sir.

Q. Now, tell me; were you whipped while you were there?

A. Yes, sir.

Q. Severely at any time?

A. Yes, sir.

Q. By whom?

A. By Col. Shepherd.

Q. Was there any marks left?

A. Yes, sir.

Q. What was the whipping for?

A. Running away.

Q. How was the whipping administered?

A. I was taken out of the dungeon and told to take off all my clothes, shirt and everything, and he licked me with a big strap, a little thicker than this [the heavy strap]. Then he hit me with a switch.

Q. Did he take off your jacket, trousers and shirt?

A. Yes, sir.

Q. And left you entirely naked?

A. Yes, sir.

Q. (By the CHAIRMAN.) You had no clothes on at all?

A. None at all. He licked me with a tug, and with a switch, and then he asked me which I liked best.

Q. Which did you like best?

A. I didn't like any one of them.

Q. State whether there were any marks left on your person?

A. Yes, sir; the switch cut me, and the tug left marks.

Q. How long did these marks remain?

A. I could hardly state, but about two weeks.

Q. How long did he whip you, and how much?

A. I could not exactly tell.

Q. Whether you were whipped by any other officer severely?

A. Yes, sir.

Q. By whom?

A. By Mr. Morse, up at the Peters House.

Q. What for?

A. Bringing out a piece of gingerbread to a boy on bread and water.

Q. How did he whip you?

A. On the hands and on the back.

Q. On the bare back?

A. No, sir.

Q. Did he take your jacket off?

A. No, sir.

Q. What did he whip you with?

A. A strap.

Q. Were you whipped severely at any other time, that you remember?

A. Yes, sir.

Q. By whom?

A. By Mr. Wheatley.

Q. What for?

A. For talking in the line, and whispering in the line.

- Q. Where were you whipped ?
 A. On the back.
 Q. Jacket taken off ?
 A. Yes, sir.
 Q. Shirt pulled up over your shoulders ?
 A. No, sir ; my jacket taken off.
 Q. Have you ever been in the sweat-box ?
 A. I was in one day.
 Q. How long were you in there ?
 A. About a day.
 Q. At what time were you in in the morning ?
 A. Six o'clock.
 Q. Until what time did you stay ?
 A. Until about five.
 Q. What were you put in for ?
 A. Not behaving, and not working in the sewing-room.
 Q. Could you move while you were in there ?
 A. Yes, sir ; I could move.
 Q. Could you raise your arms ?
 A. No, sir.
 Q. Was it summer or winter ?
 A. It was in June ?
 Q. Now, tell me what was the sensation that you had in there ?
 A. It was kind of hot, and I could hardly stand up.
 Q. How did you feel when you had been there about an hour ?
 A. I felt pretty hot.
 Q. Whether you perspired while you were there ?
 A. I sweat a little.
 Q. How did you feel in three or four hours ?
 A. Pretty bad.
 Q. In what way ?
 A. I was tired and stiff from standing up.
 Q. How did you feel in the afternoon, before you were taken out ?
 A. I felt sick at the stomach.
 Q. Were you ever in the box at any other time ?
 A. No, sir.
 Q. Tell me : could you breathe freely ?
 A. Yes, sir ; I could breathe pretty easily.
 Q. Now, have you seen other boys who came out and showed signs of having been there ?
 A. Yes, sir. I have seen a boy that ran away, and he was kept in the lodge two weeks, and then he was in the sweat-box.
 The CHAIRMAN. That kind of testimony we don't want.
 Mr. ALLEN. No ; only what he saw.
 Q. (By Mr. ALLEN.) Did you see or know anything of this boy ?
 A. I saw him in the hospital ten months afterwards, and he said he had the hip disease.
 Q. How soon did he go to the hospital ?

The CHAIRMAN. You know he does not know anything about it of his own knowledge.

Mr. ALLEN. I don't want him to state it, unless he does know about it.

Q. (By Mr. ALLEN.) Did you see this boy after he came out of the sweat-box? Did you see him that day or the next day?

A. I do not exactly remember.

Mr. GILBERT. He stated he saw him ten months afterwards.

Mr. DAVIS. He said he saw him in the hospital ten months afterwards.

WITNESS. I saw him up in the hospital.

Q. (By Mr. ALLEN.) How soon afterwards?

A. About a month, I should say.

Q. Well, did you see him out in the yard after he came out of the sweat-box, before you saw him in the hospital?

A. Yes, sir.

The CHAIRMAN. Have you asked him how he knew he was in the sweat-box?

WITNESS. The boys told me so.

The CHAIRMAN. Well, that is about what we wanted.

Q. (By Mr. ALLEN.) How many boys have you seen marked?

A. A hundred.

Q. A hundred boys marked?

A. Yes, sir. When we went in bathing we could see every boy that had any marks upon him.

Q. How many go in bathing at once?

A. About two schools, or 150.

Q. How many out of 150 had marks on their persons?

A. There might be nine or ten some weeks.

Q. How often did you go in bathing?

A. Every Saturday.

Q. Was there ever a Saturday, when the boys went in bathing, when you did not see some of them marked?

A. Yes, sir; I did not take notice every Saturday. Some Saturdays I did not take any notice.

Q. How long did you say you were in the school?

A. Six years.

Q. You were in the school six years?

A. Yes, sir.

Q. How long have you been out of the school?

A. Since the first of July.

Q. Were you punished quite a number of times while you were in the school?

A. Yes, sir.

Q. Were you made better by it?

A. No, sir; I learned more bad habits than I ever knew before I went there.

The CHAIRMAN. You did? That speaks bad for somebody; that is bad.

Q. (By Mr. DAVIS.) How old were you when you were sent there?

A. Ten or eleven.

Q. (By the CHAIRMAN.) Were you punished more severely than you thought you ought to have been ?

A. When Col. Shepherd punished me. I thought to be kept in the lodge two weeks on bread and water, and in a dark cell four days, was enough without the licking.

Q. Well, that was after you ran away, was it ?

A. Yes, sir.

Q. Which was the most severe—being put in the cell, or the strapping ?

A. Being put in the lodge.

Q. Being put in the lodge harder than the strapping ?

A. Yes, sir.

Q. Have you ever told the story you have told here to any body else before coming up here ?

A. No, sir.

Q. To no one ?

A. No, sir.

Q. Have you talked with anyone about it ?

A. No, sir.

Q. How happened you to come up here ?

A. I was told by a boy named McKenna to come up here. He brought me up into Mr. Allen's office, and Mr. Allen told me to come up, and not say anything except what I knew to be exactly true.

The CHAIRMAN. That is just what we want you to tell, and nothing more.

Q. (By Mr. PRESCOTT.) Were boys usually flogged when they ran away and were taken back ?

A. Yes, sir ; but they were not when the old superintendent was there.

Q. What one ?

A. Mr. Evans.

Q. Were you there while Mr. Allen was there ?

A. No, sir.

Q. You speak about Gartland being whipped while in the trust house. What house was he in ?

A. The Peters House.

Q. Who had charge of it ?

A. Mr. Morse.

Q. Did you say you were put in the sweat-box while in the trust house ?

A. No, sir.

Q. Were you punished at all while in the trust house ?

A. Yes, sir ; twice.

Q. By whom ?

A. By Mr. Morse. Once for not having my jacket buttoned up,—there was a button loose on my jacket.

Q. How did he punish you ?

A. Strapped me on the hand.

Q. How many blows ?

A. Fifteen or twenty.

Q. What other times were you punished while in the trust house ?

A. Once for bringing a boy a piece of ginger bread, who was on bread and water.

Q. That you have told of?

A. Yes, sir.

Q. When this boy Gartland was punished by Mr. Morse, who had charge of one of the trust houses, was he punished over the person other than on the hand, do you know?

A. No, sir; I do not. Mr. Morse very seldom punished boys on the back, almost always on the hands. He was a good man, Mr. Morse was.

Q. (By Mr. HYDE.) At what time did you say you left the Reform School?

A. The first of July.

Q. Previous to that time, had Col. Shepherd talked with you with regard to letting you go away from the institution?

A. Yes, sir.

Q. State, if you can, the substance of the conversation; tell any of his remarks that you remember?

A. I do not remember what he said to me, now.

Q. Did he say he was satisfied with your conduct, and that he thought you would do well outside; or did he express dislike for you, or dislike for your conduct?

A. No, sir; he did not express dislike, because I behaved myself; it was about time I should go away. There were boys sent there for robbing the mail, and they were put outside in the trust houses the first day they came there.

Q. Did he make any arrangement for you, looking for a place for you, so that you were well situated after you got out of the institution?

A. I don't know as he did.

Q. You don't know that he did. Where did you go after you left the institution?

A. I went to my uncle.

Q. Whereabouts?

A. In Attleborough.

Q. What is his business?

A. Carriage-builder.

Q. Didn't Col. Shepherd say anything to you about sending you to your uncle?

A. Yes, sir; he told me to take care of myself, and learn the trade.

Q. Didn't he say he was going to send you there?

A. Yes, sir.

Q. Didn't he talk about it, and recommend it as a good place to go to?

A. I don't know. It was my folks that got my uncle to take me; my mother got my uncle to take me.

Q. Did your mother tell you so?

A. Yes, sir.

Q. Where do you live?

A. In East Cambridge.

Q. What are you doing?

A. I am not doing anything now, but I am going to work for my brother next Monday.

Q. You said, in response to the Chairman, that you didn't talk with anybody about this testimony you were to give?

A. No, sir.

Q. Have you been to Lynn recently?

A. Yes, sir.

Q. When?

A. The other day.

Q. What day?

A. I don't exactly remember.

Q. Well, was it last week?

A. Yes, sir.

Q. Was it at the first part of the week, or near the last?

A. About the middle.

Q. Did you see, when you were in Lynn, any boys that had been in the Reform School?

A. Yes, sir.

Q. Who?

A. I saw Belt and Newhall.

Q. Didn't you talk with them about the investigation?

A. No, sir. I saw a boy named Leonard.

Q. Didn't you speak to him about this investigation? Didn't you talk about the Reform School?

A. He saw it in the papers, and asked me what was going on up there.

Q. Then you saw Belt, Leonard and Newhall?

A. Yes, sir.

Q. Did they talk with you about it?

A. I don't know as they did.

Mr. ALLEN. I have no objection, Mr. Chairman, to this cross-examination, but—

The CHAIRMAN. Don't go outside of the line, if you can keep inside.

Mr. HYDE. The witness testified that he said nothing to anybody, nor talked with anybody, about this testimony. My purpose was to show that he went down to Lynn for the purpose of working up this evidence, and bringing this evidence here.

WITNESS. I say I didn't go to Lynn; I was sent to Lynn.

Q. (By Mr. HYDE.) By whom were you sent to Lynn?

A. I was sent down to tell a boy to come up here. He said he would be here Monday, and the hearing did not come off, and I was sent down to tell him to come up on Wednesday.

Q. What day were you sent down?

A. Friday.

Q. Then you were there on the Wednesday previous. You have been down to Lynn twice, have you?

A. Yes, sir.

Q. During this last week?

A. Yes, sir.

Q. And you talked with Belt, Leonard and Newhall?

A. I talked with Belt on the train, because he is a brakeman on one of the trains going down.

Q. Well, did you not express an opinion in regard to the investigation, as to whether you thought it was a good thing or not?

Mr. PRESCOTT. Is it material to ask his opinion about this investigation?

The CHAIRMAN. I don't see the point of it, myself.

Mr. HYDE. Very well, then, I don't insist on the question.

Mr. ALLEN. This boy says he is afraid he will be sent back for giving his testimony. I have asked for assurance from the Chairman that he shall be protected.

The CHAIRMAN. We will protect him in that respect.

Q. (By Mr. HYDE.) But aside from that assurance, that you will not be sent back for testifying here, has there been anything said, in any way, to induce you to testify?

A. No, sir.

Q. There has not?

A. No, sir.

Q. (By Mr. ALLEN.) Was anything said to you to induce you not to testify?

A. I was told by a shoe-boss in Lynn that it would be bad for me if I went against Col. Shepherd.

HERBERT BELT—*Sworn.*

The CHAIRMAN. You may go on. I do not know what you want to ask him.

Q. (By Mr. HYDE.) Where do you live?

A. In Lynn.

Q. What is your occupation?

A. I work on the railroad.

Q. On the Eastern Railroad?

A. Yes, sir.

Q. You are a brakeman, are you?

A. Yes, sir.

Q. Have you seen this last witness, Fitz Morris, recently?

A. Yes, sir; I saw him Saturday.

Q. Where did you see him?

A. I saw him going to Lynn; he went down on my train.

Q. Did you have any conversation with him? If so, state what it was?

The CHAIRMAN. Confine it to this matter.

Q. Yes, any conversation with reference to this Reform School investigation?

A. Didn't have much. He was just talking about the matter they had here, and said he was going to testify.

Q. He told you he was going to testify?

A. Yes, sir.

Q. Did he tell you what he was going to Lynn for?

A. No, sir.

Q. Did he say, or did he not speak of his getting another witness?

A. No, sir.

Q. Was there anything else you spoke about in regard to the hearing with him?

A. Not that I remember.

Q. Did he tell you any of the motives which induced him to testify?

A. I understood him to say that he was going to get some money for testifying.

Q. You understood him to say so. Did he tell you whether he had received any money?

A. I think he said he received a dollar or two dollars.

Q. Did he say whether he expected to receive any more?

A. Yes, sir.

Q. How much?

A. Ten dollars.

The CHAIRMAN. Well, state it now, exactly what he said?

WITNESS. That is all he said. He said he got either one dollar or two dollars, and was going to get some more.

Q. (By the CHAIRMAN.) Where did he say he was going to get it?

A. From Mr. Allen.

Q. How much did he say he was going to get?

Q. (By Mr. ALLEN.) Did he say that?

A. Yes, sir.

Mr. ALLEN. Mr. Chairman, in order that the record may be correct, I will say to the Committee that I never promised the boy a dollar or a cent in my life. I did pay his fare to Lynn and back to tell another boy not to come here until a certain day.

The CHAIRMAN. I do not know anything about this boy, and I did not know what he was going to testify to.

Mr. ALLEN. That was the extent of my interview with him.

The CHAIRMAN (to the witness). You say this boy told you what you have stated. You know what you are talking about?

A. Yes, sir.

Q. You say he told you he had received a dollar or two dollars and expected to receive ten dollars more?

A. Yes, sir. I understood him to say so.

Q. (By Mr. ALLEN.) Are you sure he said that?

A. Yes, sir; pretty sure.

Q. Are you sure he said it was Mr. Allen?

A. Yes, sir; he said it was Mr. Allen.

Q. (By Mr. HYDE.) When were you dismissed from school?

A. I came away the night before the 4th of July last.

Q. Were you released on probation?

A. Yes, sir.

Q. Well, there has been no complaint, has there, with regard to your course since you left the school?

A. No, sir.

Q. Have you any motive for testifying thus with regard to this matter?

A. No, sir.

Q. Has any influence been used on you in any way? How did you happen to be here?

A. I came to testify. I did not come here to testify against any one; I just came here to see what there was.

Q. Then, you were not asked by any one to come here and testify?

A. No, sir.

Mr. HYDE. Very well; I just want to bring out that the witness came here of his own accord.

Q. (By Mr. ALLEN.) Have you talked with any of the officers of the school since you have been here?

A. I was talking with Col. Shepherd.

Q. Did you talk with him about the conversation in the cars?

A. Yes, sir.

Q. Did he ask you if you talked with this boy, Fitz Morris?

A. I did not hear whether he did or not.

Q. Did you tell him?

A. No, sir; I do not think I did.

Q. Did you tell him about the story of the dollar or two, and the ten dollars?

A. I do not remember whether I did or not.

Q. Did not Col. Shepherd ask you if he did not say he was going to get some more money? You are on your oath.

A. Yes, sir; he asked me.

Q. He asked you if that boy did not tell you that he was going to get some more money? What did you tell him?

A. I told him that he told me that he was going to get ten dollars.

Q. That was in answer to his question. Did you suggest to him, or did Col. Shepherd ask you if it was not ten dollars he was to receive?

A. Well, he asked me, and I told him I understood this boy to say that he was going to get \$10.

Q. Did the Colonel ask you if he was going to get \$10?

A. I told him—

Q. What did he ask you?

A. He did not ask me anything, but I just told him.

Q. What did he say when he came to speak to you?

A. He said good morning; that was about all.

Q. Then you began to tell him the story?

A. Then he asked me if I had seen Fitz Morris, and I told him I had not seen him since last Saturday.

Q. Then, what did he ask you?

A. He just asked me what he said.

Q. What did you tell him?

A. I told him what I told you just now, that he said he was going to get a dollar or two, and was going to get some more.

Q. Then, did Col. Shepherd ask you if he was going to get \$10?

A. I told him he was going to get it.

Q. What did Col. Shepherd say?

A. That is all the conversation we had.

Q. Are you willing to testify that he said he was to have \$10 more?

A. Yes; that is what I understood him to say.

Q. On the cars?

A. Up on the Eastern road, in the shop; we were talking things over.

Q. Will you swear that he told you he expected to receive that money?

Mr. GILBERT. I submit he has just answered that question three or four times as directly as he can.

Mr. HYDE. I would like to say a word of explanation, just simply to save some questioning on the part of Mr. Allen. When I came here this morning, Col. Shepherd informed me that this boy was here and wished to testify, and requested me to talk with him and see what he had to say. I asked him a few questions, substantially as I have asked him here, and he told me the same story he has told, and nothing further.

The CHAIRMAN. Well, we have got to take all this testimony for what it is worth.

Mr. ALLEN. I only wish to know which of these boys lies; one of them does, surely. That is, I do not know what the boy expected, but I promised him nothing.

The CHAIRMAN. We have had no less than 40 boys who have given testimony on various questions. We have got to take it all for what it is worth.

Mr. DAVIS. The same as we have everything else.

Q. (By Mr. PRESCOTT.) You work on the Eastern Railroad. How long have you been at work there?

A. About two months.

Q. What has been your position?

A. I clean cars and take care of them.

Q. Do you work all day?

A. No, sir.

Q. When does your work come?

A. Well, I do not have more than two or three hours work a day, but I have to divide it around. I have to work at it all day, but, take it altogether, it is not more than three hours a day.

Q. When do you work?

A. Part in the forenoon and part in the afternoon.

Q. Have you been in this committee-room during the several sessions by the Committee?

A. Yes, sir; three or four times.

Q. Haven't you been here nearly every day for a week or ten days?

A. No, sir.

Q. Well, who asked you to come here?

A. No one.

Q. Were you able to leave your work and be here as frequently as I have seen you here during this investigation?

A. Yes, sir.

Q. Without neglecting your work?

A. Yes, sir. Rainy days I do not have to do any work. It is raining, and that is the reason I am here to-day.

Q. How long were you in the institution?

A. Almost two years.

Q. Were you in a trust house?

A. No, sir; I held a trust place all the time I was there.

Q. Were you in a trust house?

A. No, sir.

Q. What part were you in?

A. In the front part.

Q. You were a "tried and true" boy?

A. Yes, sir.

Q. Did you belong to the Bible class?

A. No, sir.

Q. Have you been requested by the superintendent to come up here to the several sessions of the Committee?

A. No, sir.

Q. (By Mr. HYDE.) At the Reform School you were a "tried and true" boy?

A. Yes, sir.

Q. (By Mr. DAVIS.) How old are you?

A. Almost 19.

Q. When did you go to the institution? How old were you then?

A. I was 17—I was 16 when I went there.

Q. Were you ever punished at the institution?

A. No, sir.

Q. Has anybody ever spoken to you about testifying before the Committee?

A. No, sir.

Q. (By Mr. PRESCOTT.) Were you sent to the institution from Lynn?

A. Yes, sir.

Q. (By Mr. ALLEN.) You have spoken to Col. Shepherd before since you have been here?

A. I have not spoken anything about it?

Q. You have talked with him?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) I understand you came from Lynn. Did you know Col. Shepherd as city marshal of Lynn?

A. Yes, sir.

Q. You knew him before you went there?

A. Yes, sir.

Q. (By Mr. DAVIS.) How long had you been in the institution before you went into the front part?

A. About six months.

MALACHI FITZ MORRIS—Recalled.

Q. (By Mr. ALLEN.) I want to ask this boy one question, and I think the Committee will do me the justice. Did you tell this last witness that you were to receive \$10, or any money, from me?

A. No, sir; I did not.

Q. Whether you told him, or said anything to him, about receiving any sum from me?

A. No, sir; I did not tell him any such thing. He gave me my fare down on the ten cent train to tell a boy to come up. He told me Colonel Shepherd asked him to send more boys up.

JACOB WILEY—*Sworn.*

The CHAIRMAN. What is it, Colonel? I do not know anything about this boy.

Mr. SHEPHERD. This boy was confined in the lodge last Wednesday evening, the same evening that the Committee were at the institution to visit the school and conduct the investigation. Some boys who were detained in the lodge at that time appeared before this Committee and made certain statements taken as evidence. After the Committee got through with these boys they returned to the lodge. This boy was there in the lodge, and heard the statements that they made, and I would like to have him make those statements.

The CHAIRMAN. What statements?

Mr. SHEPHERD. If it was proper, I would like to state that these boys that appeared before the Committee boasted of the manner in which they had fooled the Committee, and that they had told a pack of lies.

Mr. ALLEN. Which boys?

Mr. SHEPHERD. Theodore Johnson, John McDermott and William Buchan.

The CHAIRMAN. Now, come right to it directly, and ask him questions on this point.

Mr. LOWE. Perhaps it would be proper to find out the character of this boy, so as to know which we can believe.

The CHAIRMAN. Well, sir, we have got 80 of them.

Mr. LOWE. We can get Mr. Shepherd's opinion.

The CHAIRMAN. This boy I suppose to be like the rest of them; he may be better or worse, for all we know.

Mr. DAVIS. Taken out of the lock-up, I suppose, to-day.

The CHAIRMAN. He is going to testify about some of the boys in the lock-up, when we were there.

Q. (By Mr. HYDE.) How long have you been in the institution?

A. Four months the sixth of this month.

Q. Where were you at the time the Committee came up to the institution, and made an examination?

A. In the morning, when they came, I was in the yard, and, at night, I was put down in the lodge.

Q. What were you in the lodge for?

A. As a punishment.

Q. What for?

A. Mr. Armitage put me down there for pushing in the line, and when I came out in the yard, the boys told me Mr. Hayes had me down for throwing water at him in the bath-tub.

Q. So you were put in the lodge as a punishment for that? How long were you put in the lodge for that?

A. They did not put me down there for any certain time. They put me down there until they made me promise.

Q. How long were you kept there?

A. Two nights and one day.

Q. Then, you were in the lodge at the time the Committee visited it, and came out into the room?

A. Only one man came in with Mr. Shepherd.

Mr. ALLEN. Was this at the last visit of the Committee, or two months ago?

Mr. SHEPHERD. The last visit.

The CHAIRMAN. Ask the boy if he was in the lodge last Wednesday, while the Committee were at Westborough.

Q. (By Mr. HYDE.) Were you in the lodge last Wednesday, at the time the Committee visited the institution?

A. No, sir; I went down there about six o'clock, and the next morning the man came down with Mr. Shepherd.

Q. (By Mr. ALLEN.) The Chairman?

A. Yes, sir.

Q. (By Mr. HYDE.) You were aware that some of the boys testified before the Committee there that day?

A. No, sir; I did not know it at all until they came back out of the entertainment.

Q. Where did they come to?

A. Down to the lodge.

Q. Were they being punished in the lodge?

A. Yes, sir.

Q. Then these were the boys whom you supposed had testified before the Committee? They told you they had?

A. They told me they had.

Q. What did they say?

A. They told me what the Committee asked them about the sweat-box, how they were punished, and what they gave them to eat, and things like that, and said they told a pack of lies.

Q. Can you give the names of any of these boys?

A. Johnson said he told them more lies than he did truth, and McDermott said the same. They were talking about telling the most lies.

Q. Did you think they were, seriously? They did not appear to be joking?

The CHAIRMAN. It does not make any difference.

Q. Did the boys say whether they thought their testimony would produce a change in the punishments?

Mr. ALLEN. If a very willing witness, brought here by, the superintendent, is to be examined by counsel, I do not think he ought to put words into his mouth.

The CHAIRMAN. If you let me ask him, I think I can get all there is, and satisfy the Committee. The boy says he saw me. I did visit the lodge in the morning, with Colonel Shepherd, and saw the boys. I suppose I saw this one, but I do not remember him.

Q. (By the CHAIRMAN.) You say you were in there, and when the

boys came down, you heard the boys talking of having been before the Committee?

A. Yes, sir.

Q. You just told what the boys said?

A. Yes, sir.

Q. Did you think any more about it?

A. When they came down, they said Johnson said, that Buchan and McDermott were whispering, and Mr. Chase told them to stop or he would hit him a slap in the face. Johnson said he would have to take the whole three, for they would pitch into him.

Q. (By Mr. DAVIS.) When was that?

A. That is what he said the boys said, when they came down there.

Q. (By the CHAIRMAN.) What did they say about what they said up-stairs, while they were there?

A. He said the Committee asked him about the sweat-box, and what they got to eat in the lodge, and he said, Johnson said he told you the sweat-box smelt strong enough to knock any one over; that Bigelow struck him with his fist.

Q. Did he say that he told us lies?

A. He said he told a pack of lies.

Q. Were the boys noisy in the lodge that night?

A. Yes, sir.

Q. Were you noisy?

A. No, sir.

Q. Well, could you remember anything more they said about what they testified before this Committee?

A. No, sir.

Q. Do you remember anything I told you the next morning?

A. You told me you were sorry to see me down there, and asked me if I was going to behave when I came up. I was in the second cell, right next the colored boy.

Mr. SANBORN. Was it stated what he was put in the lodge for?

The CHAIRMAN. They were there last Wednesday, and this boy was put in the lodge at night for some misdemeanor, and the boys, after they had testified, were returned to the lodge, and this boy overheard them say they told a pack of lies to the Committee. That is the substance of his testimony.

Q. (By Mr. HYDE.) When did you tell Col. Shepherd of that conversation?

A. The next morning.

Q. At what time?

A. It was about four o'clock the next day; I had my Sunday clothes on, and I went up to change them.

Q. (By Mr. DAVIS.) Did you volunteer this testimony to Col. Shepherd? Did he ask you about it?

A. No, sir; I told him about it.

Q. Did he ask you?

A. Yes, sir; he asked me who made the noise. He asked me if I

heard that hollering, and I told him I did. He asked me what else they said, and I told him that. That was all he asked me.

Q. You are always a good boy yourself in the lodge and in the institution?

A. No, sir; I have been in there for other punishments.

Q. How many punishments have you received during the last four months?

A. Once by Mr. Wheatley's brother.

Q. We would like to inquire about it. How long had you been in the institution before you were punished?

A. Two weeks.

Q. What for?

A. Being noisy in school.

Q. How was you punished?

A. I had my coat and vest taken off.

Q. What else?

A. I was whipped.

Q. What with, a strap?

A. Yes, sir; it was a trace.

Q. You had been there a fortnight?

A. Yes, sir.

Q. How many blows did you get?

A. About 20.

Q. Hard?

A. Yes, sir.

Q. Leave marks?

A. Yes, sir.

Q. How long did you carry the marks?

A. About a week.

Q. Who punished you that time?

A. Mr. Wheatley's brother.

Q. What was it for?

A. Being noisy in school.

Q. Well, when was the next time you were punished?

A. I was not punished again until I was put in the sweat-box.

Q. Who put you in the sweat-box?

A. Mr. Armitage, the overseer of the shop.

Q. How long did you stay there?

A. From 2 o'clock to half-past 6.

Q. How did you feel while you were in there?

A. I felt sick.

Q. Did you vomit?

A. No, sir.

Q. Were you confined closely?

A. I could not move my hand, except like that. [A little distance.]

Q. You could not get it up?

A. No, sir.

Q. Did you feel any effects of it?

A. I could not hardly get down-stairs.

Q. When was the next time?

A. When I was down in the lodge.

Q. Did you ever tell a lie in the institution?

The CHAIRMAN. I would not ask him that, but I have no objection.

Mr. DAVIS. I suppose they all lie.

The CHAIRMAN. I presume so. I believe it is all understood.

Q. (By Mr. DAVIS.) Have you ever been caught in a lie since you have been in the institution?

A. No, sir.

Q. Do you ever tell lies?

A. I have told one, I remember.

Q. How long ago?

A. I said I did not whisper, and Mr. Shepherd put me in the box.

Q. And you did lie?

A. Yes, sir.

Q. (By Mr. PRESCOTT.) You say you were whipped by Mr. Wheatley's brother; is he an officer of the school?

A. He was there Christmas, while Mr. Wheatley was away on his vacation.

Q. How long was he there?

A. About a week—five or six days.

Q. Did he whip other boys beside you?

A. Yes, sir.

Q. He is not there now, is he?

A. No, sir.

Q. You were put down in the lodge a week ago last Wednesday night?

A. Yes, sir.

Q. The night of the day the Committee were there?

A. Yes, sir.

Q. Were you ever put down in the lodge before?

A. No, sir.

Q. What were you put down for this time?

A. For pushing a boy in the line.

Q. Who put you down in the lodge?

A. Mr. Armitage.

Q. Boys by being put in the lodge lose their grade, do they not?

A. Yes, sir; they go down in grade.

Q. What is your grade?

A. I was in the second, and now I am in the fourth.

Q. How long were you kept in the lodge?

A. I was down there two nights and one day—Thursday.

Q. You told Mr. Shepherd about this in the office next day; did you tell this to Dr. Harvey, or anybody else connected with the institution?

A. No, sir.

Q. Has Dr. Harvey asked you about this?

A. No, sir.

Q. Who are these boys that told you they had stated to the Committee what was not true?

A. Theodore Johnson, William Buchan, and John McDermott.

Q. Were you in the same apartment with them when they told you?

A. Yes, sir; I, Johnson and Buchan were in the first, and McDermott was in the second.

Q. (By Mr. ALLEN.) Three of you in one room?

A. Yes, sir.

Mr. SANBORN. Dr. Harvey's name has been mentioned. I do not see him here; I wish to examine him.

The CHAIRMAN. If he was here, I should not object to your having that privilege.

Q. (By Mr. ALLEN.) Have you seen boys there bearing black and blue marks where they have been flogged?

A. Yes, sir.

Q. On a good many?

A. I have seen them on myself and on three other boys.

JOHN M. CLARK—*Sworn.*

Q. (By the CHAIRMAN.) I have no particular questions to ask you, but you have been sheriff now for how many years?

A. Something more than 23 years.

Q. Of course you have had a large experience in the management of the criminal classes?

A. I have had a great many pass through my hands.

Q. (By Mr. ALLEN.) How many?

A. One hundred and twenty-five thousand.

Q. (By the CHAIRMAN.) What is your judgment in regard to the ages at which criminals are the most difficult to take care of?

A. Between 15 and 22.

Q. In what respects do you consider them at these ages more difficult to manage than older prisoners?

A. I do not know that I could give any reason, except that which has come to my mind during my experience with them. They begin to arrive at manhood, have a spirit of independence and restlessness, and with the vicious there is a spirit of defiance in those who have not yet learned that it is a mistake to do wrong. They think they know a great deal more than they find they do at any other period of their lives. I think it is the experience of all of us, that from 15 to 22 we think we know a great deal more than we ever do afterwards.

Q. Do you think that criminals of that class are less ready to yield to persuasion and influence than when they are older than that, than those of maturer age?

A. I do not think I should say that. I think they are inclined to be persuaded; I think they are to be managed. I do not know as I am fitted to do it, but I think it requires peculiar persons to manage them. They are persons who are held under restraint; they are prisoners.

Q. Give us your idea of the management of criminals, taking them from 15 to 20?

A. I do not want to make a speech, and I hardly know where to begin. I do not exactly understand what you want of me. I have really no

personal knowledge of the Westborough Reform School, and it is many years since I was there. My experience has been in the handling of criminals and persons held under restraint.

Q. Well, I will put it in this form: The Westborough Reform School is composed of boys from 12 to 21 years of age. It is claimed that they are a difficult class to manage, and that those above 17 years of age are especially difficult. Means of discipline are used, in that institution, different from what are used in your jail, or state prison, or any other penal institution. This Committee, of course, wish to arrive at some facts with reference to whether or not those means of discipline are really necessary in that institution?

A. The very first thing to be done is to separate the classes. It never can be managed, in my opinion, except by resorting to discipline that I would not resort to, by keeping boys, or allowing boys of 17 or 18 to control the minds of boys 10, 11, 12, 13, and 14 years old.

The CHAIRMAN. That is just what we want you to go on and tell us about.

WITNESS. I know there are some boys there who ought not to be there. They are no such boys as this boy [Wiley]. I do not know about these other boys, but I have got an idea of that boy, that he will get out of the rut, and will not be a bad man. That boy does not belong to the criminal class, although he may have done something wrong that sent him to the Reform School. I think anybody talking with that boy a little while would see that he has some ideas. But there is a class of boys, sent to Westborough from the school ship, who ought to be in the state prison or with Captain Berry—that is a good institution to send them to, where they can be managed and disciplined without flogging. But I do not see how the institution at Westborough can be managed if they are to be allowed to mingle with the younger boys. If it is proper for me to say it, I should not want to be superintendent, and I would not be if you would give me the institution. I would not be superintendent of it unless I was allowed to entirely separate this class; there should be an entire separation between the two classes; there should be no contact between the two classes.

Q. Well, if they are to go there, the question is, Whether discipline like that at the house of correction at South Boston, or in the state prison at Charlestown, or Suffolk jail, in your judgment, would control the classes, together, as they are at the Westborough institution?

A. Yes, sir, I can control them. I don't think I could cure them. Solitary imprisonment, bread and water makes the back tired and the belly hungry. I don't know why, but I have never known it to fail. I never knew a person to suffer mentally or bodily from it. I do not think one in twenty serves the time for which he is sentenced, of solitary imprisonment, because they have the option to relieve themselves, and when the officer gives them the option they have the opportunity to say they have had enough of it, and that they are sorry, and will break the rules no longer, and they go out. It may be possible that there is one. I do not know how large a number, but it is very seldom a person breaks the rules at the present time.

Q. At the Westborough institution, what they term their lodges is a series of cells, four or five adjoining each other, and opening right into the same room; do you call that solitary?

A. No, sir; the boys can communicate, and there is a sort of bravado that exists in the boys. If they can say to each other, "Don't give up!" "Let's stand it!" there will be that spirit of resistance and rebellion that leads them on. But if you take either of these boys to the solitary, he will see that he is taken alone and fed one, two or three days on bread and water, where he cannot be communicated with, he would have to give up. I do not know what they are made of, but I know from my experience, and I think Captain Berry will tell you the same, that he never knew a person who would not give up on solitary imprisonment, and my solitary imprisonment is not a dark cell, but simply a solitary cell. Their back aches, their arms get tired, the belly gets hungry; they do not starve to death, but they get enough of this punishment, and they feel it, but it does not affect their moral sense.

Q. Well, if you were without the means of solitary confinement, and still must have some discipline, what do you think you would do?

A. I do not know what I should do. I should do something pretty quick, but I do not know what.

Q. Well, at some rate, you would have discipline?

A. I would, or I would withdraw myself from it; or I would say I was not equal to it. I would not be afraid to do that.

Q. Well, they have got the boys there of these ages; they have not got the solitary cells which you can use in the manner you describe. You say discipline must be maintained, and you do not know what you would do. Then, the next thing is, Would you flog them?

A. No, sir.

Q. What would you do?

A. Separate them; send them away somewhere else. I think that is the first thing this Committee have got to do. The first thing to do is to separate these boys, and send a certain class away from the institution. You never can make a Reform School with a certain class of boys that are there,—of this uncertain, uneasy, uncomfortable age, when they think they know more than their superiors, and will not obey and do what is best for them to do, appreciate their position and get out of the circumstances they are in.

Q. That fact is acknowledged, and the trustees have referred to it in their reports for a good many years. Now, the question is, What would you do under the circumstances I have spoken of: having these boys under your charge, and not having the means of separating them, and still having to maintain discipline?

A. I still say I would separate them. I would not say I could not; I could separate them.

Q. (By Mr. ALLEN.) You would make a way?

A. I would make a way. I think I told Col. Shepherd—I have not the pleasure of knowing him a great deal—I think the mistake he has made is, that he is not superintendent of the institution. He has allowed, or the rules of the institution have allowed, any officers to assume re-

sponsibilities they have no business to have been permitted to assume. That is, I would not have any officer perform any act that I was directly responsible for, except by my order. There might be cases of emergency by which I should be obliged to indorse the action of an officer. I do not believe in flogging the boys. I think I must say that I do not believe in flogging boys. I recollect being flogged once myself—

Q. What was the effect?

A. I was never flogged again. I remember telling my revered and honored parent, if he ever struck me again, I would leave him, and he did not strike me. We left each other, and lived happy afterward; that is, we reasoned together. It was all right, and I guess I deserved all I got, but it seemed to me it did not have the effect he thought it would, however, and he was satisfied with it.

Q. (By Mr. PRESCOTT.) How old were you?

A. Fifteen. I recollect it very distinctly, because at that time I arrived at the place where father and son understood each other.

Q. (By the CHAIRMAN.) Then the only advice or suggestion you would make to this Committee, is for us to provide some way to separate these classes there?

A. Yes, I think it can be done. If by their being there they cannot be released, I do not know why it should not be done by an *ex post facto* law. You can find a way in which they can be separated. I think that is usually to be left with the discretion of the officer. If the officer is a proper man to manage his institution, it is better it should be left to his discretion. In other words, I mean the more direct responsibility you throw upon an officer, and the more authority you give him, holding him up to a strict responsibility, the better officer you will have, the better discipline, the better management, and the more reform.

Q. You know, of course, that at Westborough they have just completed a building in which they expect to be able to make this separation?

A. I should have hoped, as a citizen and as an officer, that the trustees of this institution would have been able to have managed and taken care of this thing without this public exhibition. I think it is demoralizing to all prisoners, whether in reform schools or anywhere else. The judgment I have formed from years' experience is this: that I have had great powers given to me during the last 23 years, and I am held up to a fearful responsibility. Probably no officer in the Commonwealth is held to so strict an account as a sheriff. I am personally responsible for every act of my deputies. I must pay my debts up to the value of my office, besides giving a bond to a very heavy amount with sureties acceptable to the court. I must then fulfil every obligation that may come upon me as an officer; and if I do not, the governor is to remove me from my office. For certain other abuses of my office or wilful neglect, I am liable to be sent to prison; and for malfeasance or misfeasance, the attorney-general can complain of me, or of the sheriff, and the supreme court can summarily remove the sheriff from office. Present company always excepted, I think it has made the kind of men that have been sheriffs, and shows that the more direct authority you give an officer and enable him to per-

form his duty, while you hold him up to a perfect and fearful responsibility, you will find that you have better officers. We are all ready to assume duties in those positions that are more or less honorable or give us public notoriety; but very few are ready to give them up after having served 28 years. The more responsibility you give your officer, and the more strictly you hold him to a personal responsibility and performance of his duty, the better officer you will get, and the least trouble. On a fair examination, that is the result of my experience.

Q. (By Mr. PRESCOTT.) You have had in your time a great many vicious young men as prisoners?

A. All this kind of prisoners go through the jail; we have them coming and going, 20 or 30 a day.

Q. You have had prisoners committed for deadly assaults and murder, awaiting trial. Have you had any assaults on your officers?

A. Never.

Q. From what experience you have had, and from your knowledge of human nature, what should you think would be the natural result of frequent and severe floggings upon boys on their bare persons, the boys being from 16 to 20 years of age?

A. I do not want to answer that question.

Q. (By Mr. ALLEN.) Give your judgment?

A. I have got a judgment in regard to that, but I do not want to give it here.

Mr. ALLEN. I think we are entitled to your best judgment.

Mr. PRESCOTT. You have had a great deal of experience with young men, and know their need.

Mr. ALLEN. Let us have an answer to that, Mr. Prescott.

Mr. PRESCOTT. I should like to get your opinion upon that point.

Mr. CLARK. I should not resort to it, sir.

Q. (By Mr. PRESCOTT.) Well, if it was resorted to frequently and severely, what should you think would be the result? What would be the state of things in that institution?

A. I could not manage it so; I would not manage the institution in that way.

Q. Would you suppose there would be turbulence, riot and disorder continually?

A. I should be afraid to manage the institution in that way.

Q. Would you not think it would make a bad matter worse?

A. I should be afraid to manage the institution that way; I should not resort to it myself; I do not think it is the best way to manage young men. There is no harder class to manage than young men or boys from 16 to 22—you may ask any of these boys about it—and yet I believe they are all susceptible of management. I do not want to boast, but I want to say that I have never had any trouble with them; I have always got along with them. Take it at the jail, the discipline is very simple and is not severe, and sometimes we wink at some things when we can. We do not want to keep supplying fuel to the flame, and so we wait a little while, and some time afterward we tell them in a pleasant way of their misdemeanor. We have a gang of men cleaning this morning; it is

about three hours' work for them; they are under an officer, and they begin by passing down on the outside of the walls and all the iron-work of the prison, and then they get on their knees and with their hands wash all the iron corridors. I do not know how many, but there is a tremendous lot of them. We do this washing every day to keep the prison white and clean. They do it cheerfully, do not find any fault, and do not get up a mutiny. The officer has no trouble in getting along with them, but has simply to let the boys understand that there is a certain discipline there. They are told what they are to do, and if they are willing to do it they are put into that position. They are told what privileges they can have.

Q. Do you think, therefore, that frequent severe corporal punishment upon young men from 16 to 20 years of age would naturally arouse their most violent passions?

A. I think it would.

Q. Do you think it would brutalize and harden them?

A. I think it would.

Q. Do you think it would also have some such tendency upon the officers, or those who frequently inflicted these punishments?

A. I have never practised it, and so I cannot answer. I should say I would never allow an officer to strike or punish a boy in temper. I do not think any person should be punished in temper, because it then becomes a sort of a duel. If a boy is to be punished, he should be punished in the presence of some responsible officer, and perhaps by some one else.

Q. If the officers of the Reform School resort to frequent and severe corporal punishment, would you not suppose they would lose their reforming power to some extent?

A. That is a theoretical question, and I should rather not answer it, because I am afraid I shall be presumptuous. I think you can form an opinion on that just as well as I; my thought would not improve your knowledge in that respect.

Q. (By Mr. ALLEN.) Of the 100,000 who have been under your charge, probably 20,000 were under 20?

A. Twenty thousand. Mercy! they are more than 70,000.

Q. They are largely young?

A. They are young.

Q. Of the 70,000 under your charge, and who were under 20 years of age, has one of them ever been struck a blow in punishment?

A. Never.

Q. Has one of them ever been put in a strait-jacket or sweat-box, or anything similar to that?

A. I do not know what a sweat-box is. The only punishment that has been resorted to under my administration has been confinement in a separate cell, where a person could not see nor talk with any other persons, being fed on bread and water; leaving them to their own convictions. Wherever this punishment has been inflicted, they have said they were sorry they broke the rules, and were ready to go back to their old rooms.

Q. The duration of their punishment in the solitary cell depended entirely upon themselves?

A. Entirely upon themselves. A man might be sentenced 24, 48 or 36 hours, or three days, which is the longest; if it was his desire he could cease at the end of 12 hours. The solitary cell is a solitary cell. But the imprisonment in these places, where three or four or more boys are placed in one room, and where they can communicate with each other, talking or hollering, just as they please, there is no punishment in that, by which you can make a boy give up; they must be separated.

Q. (By Mr. DAVIS.) You do not mean that a solitary cell should necessarily be dark?

A. No, sir; people differ; I never put them in a dark cell.

Q. (By Mr. ALLEN.) I desire to ask your opinion of a reform or penal institution, where there are 18 men and 10 women, who have the right to punish *ad libitum*, without recourse to the superintendent or presiding officer. What would you say with reference to such an institution, without naming any in particular?

A. I should not want to be in it.

Q. Do you think discipline could be maintained?

A. I think that is a theoretical question, and it would be rather presumptuous for me to answer.

Q. I want the judgment of a man that has had the care of 100,000 criminals?

A. I do not think any prison-keeper should allow a prisoner to be punished by any underofficer, except under his direct orders, it being reported to him, either by him directly, by his order directly, or by the order of the person whom he puts in charge; that is, if he is called upon to obey an order, it is done by his deputy, he himself having given the direction to his deputy, assumes the direct charge and responsibility of it; in other words, the head officer should be responsible for everything that is done. If a man in the prison strikes a prisoner, or an officer in the Reform School strikes a boy, the superintendent should be personally responsible for the act, and he should say so. If an officer has done wrong, he should simply say, "I am responsible for this. You have done wrong; I am sorry you have been foolish, or that you have broken my rules, but you must go." I do not see any other way, except to dismiss the officer who would not observe the order of the superintendent or the head of the institution.

Q. Then, you would have the head of the institution know all that was done upon any occasion?

A. I have said that distinctly.

Q. Let me ask you, whether, in your judgment, in any penal institution, or in any public institution, the power of administering corporal punishment without limit is not a dangerous one if placed in any hands?

A. I never would allow it to be done under any circumstances.

Q. And whether, in your judgment, if, under any circumstances, officers are not likely to carry it to an unlimited degree?

A. That is one of those theoretical questions which nobody can answer.

I do not care to give my opinion on such things. I would not allow flogging.

Q. If corporal punishment was to be administered to a young man, of 20 years of age, what would you think of the method of taking off his jacket and trousers, pulling his shirt up around his neck, so as to expose his entire person in a state of nakedness, and applying a heavy strap to his back? What do you say to that?

A. I would not do it; it is not the thing to be done; it ought not to be done.

Q. But if it were done, what would be its effect upon the average criminal, or bad young man, of 18 or 20 years old?

A. I do not know. I know I never resorted to it, and I should not dare to resort to it. I have had a great deal of good fortune in the management of prisons, but it is almost impossible for me to say, at this late day, how it is I managed them so well, and how I have got along. I am not afraid of my record with prisoners; but I should be afraid of it, and I should be afraid of my life, if I should strike a young man, of 18 or 20 years of age, with straps or sticks. I do not carry pistols. I think in the state prison or house of correction, where men are congregated in these workshops, that the men who are charged with the filling the offices are creditable to Massachusetts, considering the occupation and the small pay they get. I think it is greatly for the honor of Massachusetts that we have so many good officers.

M. B. B. BERRY—*Sworn.*

Q. (By Mr. PRESCOTT.) What is your name?

A. M. B. B. Berry.

Q. What position do you now hold?

A. Master of the house of correction in South Boston.

Q. How long have you been connected with the house of correction?

A. Eight years. I went there ten years ago. Two years of the time I was at the state prison.

Q. How many years have you been master of the house of correction?

A. A little over two years.

Q. What number of prisoners have you?

A. Six hundred and nine.

Q. What is the average age of prisoners?

A. Twenty-seven years.

Q. How many have you under the age of 20 or 21 years?

A. One hundred and fifty.

Q. Have you some very vicious prisoners, or prisoners who have been to the state prison?

A. Yes, sir.

Q. What is your mode of discipline?

A. Solitary confinement. For light offences, I take away their food, or breakfast.

Q. On the average, how many persons do you have in solitary?

A. I have had two a day for eleven months.

Q. Do you allow subordinate officers, overseers of shops, etc., to put men in solitary confinement?

A. No, sir.

Q. What is your rule?

A. They report them to my deputy, or to me. If we see fit to punish them, we do so.

Q. All offences are reported to you, as head of the institution?

A. Yes, sir.

Q. How long do you confine these men in solitary?

A. Well, I have kept them there ten days, but very seldom. We generally keep them in three days, and sometimes six. Once in a while, we get one we have to keep in nine or ten days. They will give up before the ten days comes around, and even before six.

Q. Have you known any ill-effects from confinement in solitary?

A. No, sir.

Q. Do you resort to any other modes of punishment?

A. No, sir. Sometimes I handcuff them when they make a noise.

Q. What do you mean by noise?

A. Hollering or talking, or sometimes singing.

Q. You have never had to resort to the gag to keep them quiet?

A. I have not since I have been master.

Q. From your experience there, as the head of the house of correction, do you think the modes of punishment which you inflict, and which are allowed, are sufficient to maintain good discipline in the institution?

A. Yes, sir.

Q. Do you report all your cases of punishment regularly to the board of trustees?

A. I do, every morning.

Q. From your experience with the inmates—I believe you say you have now about 150 under 20 years of age—do you think the infliction of severe corporal punishment upon these young men would have a bad influence, so far as it affects the discipline and quiet of the institution?

A. I do.

Q. Have you had, under your discipline, many assaults upon officers?

A. No, sir; very few.

Q. Do you think that young men from 17 to 20 can be restrained otherwise than by submitting them to corporal punishment?

A. Yes, sir; I should not do it.

Q. Should you consider the effects of frequent severe corporal punishment upon your prisoners bad?

A. Yes, I think there would be a riot. I do not think it would do; at least, I should not feel safe to be master of it.

Q. Do you think it would arouse the worst passions of a man?

A. Yes, sir.

Q. (By Mr. ALLEN.) If corporal punishment was to be administered, what should you say to stripping the prisoner of his pants and coat and striking him on the naked person?

A. I do not know as I could execute it.

Q. What effect, in your judgment, would that have upon the average criminal or bad young man?

A. I do not think it would have a good effect.

Q. (By Mr. DAVIS.) Would you put it all in together?

A. I think it would have a bad effect.

Q. (By Mr. HYDE.) Is the solitary confinement you spoke of substantially the same as spoken of by Sheriff Clark?

A. I think not; my cells are dark, or mostly dark. They are ventilated on the outside and inside.

Q. Can prisoners communicate with each other?

A. They can, by talking, hear one another in the cells; but they have to speak pretty loud, and are heard by the officer.

NATHAN LEONARD, Jr.—*Sworn.*

Q. (By Mr. HYDE.) You are keeper of the state workhouse at Bridgewater?

A. Yes, sir.

Q. Will you please tell the Committee what number of the school boys you have received, their character, and the methods which you have used in treating them, and what has been the result?

A. We have had, I think, 16 in all of them; but I believe eight of them came in a year ago or a little more. Of the first eight two-thirds came in 1873, and some more in 1874. My recollection of these eight was that they were hard boys. They have all escaped, and I think we have only three of the 16 there; and all except one of these has escaped from the institution. It is a wooden concern, and not secure at all. Of the last eight that came there, we still consider them bad boys; but their behavior we regard as pretty fair, especially in the case of two or three. It is a rare thing that they get punished. Several of them, at different times, made attempts to escape, and were caught and punished—that was one cause of their punishment. In the case of one James Wilson, I remember that he had to be punished; it was rather a slight affair, but he was punished for it. There are some that have never been punished. Of these eight I speak of first, McGee and Martin—do you wish me to tell about them?

Mr. HYDE. Yes, sir.

Mr. LEONARD. They were transferred from Westborough, and were put in what we call the lodge—the only thing we have for a lodge—a cell built of brick perhaps 8 or 10 feet long, 7 or 8 feet high, and in that cell we had two or three wooden cells. These boys were placed there for safe-keeping. I was told by the secretary of the board of state charities that they were bad boys, and would probably escape unless they were kept in some close place. These two boys were in there awaiting the action of the inspectors; but while there they received their meals the same as all the other inmates of the institution, three meals a day. On one occasion, when the officer was going in to feed them, they had during the day broken out of these wooden cells, and they took the officer as he was carrying in their supper to them, and knocked him down with the window weight, for we found it on the floor afterwards. They

knocked the officer down senseless, and managed to get away and escape. We have had no attacks from any of the other boys that were sent there from Westborough. As I say, they have been well behaved, but have got away the first chance they found, and the chances of escape are numerous.

Q. Will you please state what you did with the boys there? Were they put to work, most of them?

A. Yes, sir.

Q. What was the nature of the punishment you inflicted when they transgressed the rules?

A. Put them in the lock-up and fed them on bread and water.

Q. Was this lock-up well lighted?

A. Well, it had one large window.

Q. Was it light enough so they could see to read?

A. They could see to read, but it was not quite light enough.

Q. Could they move in their cells very well?

A. Yes, sir.

Q. There was no flogging administered?

A. No, sir; nothing of the kind.

Q. You spoke of those last boys that were transferred from the Reform School. I do not know whether you know their names or not. What became of Fred Sturtevant?

A. He ran away. We caught him down in Salem or Lynn I think, and brought him back. He escaped a second time, and since then I have not heard of him.

Q. Was he punished?

A. He was punished for escaping. I do not remember that we punished him except for that?

Q. Then there was Martin and McGee, whom you have spoken about?

A. They were caught afterwards, and McGee was given a sentence to the house of correction for 18 months.

Q. Joseph Watson?

A. Watson escaped when he was at work in the field.

Q. James Nelson was there. State his case?

A. He has been well behaved. I think he did have a fight once, and was punished. I believe he has not been punished since.

Q. James McFeeley?

A. McFeeley ran away.

Q. John J. Fugh?

A. Fugh is there now. He attempted to escape by going up the fire-escapes, and was caught, punished, and locked up.

Q. George Comer?

A. He escaped from the workshop. He was doing something inside, I think, when he was at work in the shoe-shop, during the temporary absence of the man who had him in charge.

Q. Edward Turner and Cahoon?

A. These two escaped together two or three months ago. Turner was brought back under the name of John Sullivan, on a three or four months' sentence, and he escaped again.

830 REFORM SCHOOL—INVESTIGATION. [Mar.77.]

Q. Then, all these boys receiving mild treatment were attempting to escape, or committing some crime. In your opinion, did the good effect produced upon these boys justify the treatment they received? Do you think that your institution is not the sort of place for these boys?

A. No, sir; it is not secure enough. We did not usually have more than three, four, or six of them at a time. They were inclined to go together and "chum," as they call it. They were talking of escaping, so we separated them. We usually allow two of them to sleep in the same room together.

Q. If there had been a larger number there, they would have been watched closer?

A. Yes, sir.

Q. On the whole, do you or do you not regard them as a difficult class to handle, since you have been there?

A. I regard it as a difficult matter to keep them.

Q. (By Mr. PRESCOTT.) What mode of discipline did you resort to?

A. The lock-up.

Q. Did you ever punish them with a strap on the person?

A. No, sir.

Q. Do you think that is a judicious mode of punishment for boys from 16 to 20 years of age—corporal punishment by severe blows upon the naked person with a strap?

A. Well, Mr. Prescott, my class of people are a good deal older.

Q. Do you frequently visit the Westborough Reform School?

A. I have been there twice in my life, but not since Col. Shepherd has been there.

Mr. PRESCOTT. I have no further questions.

Adjourned.

APPENDIX.

STATE REFORM SCHOOL.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY FRANCIS HINCKLEY.

From January 1 to January 31, 1876.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Jan. 7,	Steven J. Cook, ¹	10	Severe,	Strap,	Yes, .	Personally known,	Good.
7,	Flynn, ¹	10	"	"	" .	"	"
10,	Westwater, ²	12	"	"	" .	"	"
14,	Dugan, ³	12	"	"	" .	"	"
23,	Scanlon, ⁴	20	"	"	" .	"	"
26,	Pettes, ⁵	10	"	"	" .	"	"

Offence and Remarks. {
¹ Impudent and defiant; talking aloud in school.
² Impudent and defiant; talking aloud in school, and drumming on his desk loudly.
³ Burned his shoes until they were worthless.
⁴ Sticking his pen-knife into Pettes, and disorderly behavior in school.
⁵ Impudence in school, and resisting teacher in her punishment.

From February 1 to March 1, 1876.

Feb. 3,	Martin, ¹	12	Severe,	Strap,	Yes, .	Personally known,	Good.
15,	Martin, ¹	12	"	"	" .	"	"
15,	Melvin, ²	6	"	"	" .	"	"
16,	Richardson, ³	12	"	"	" .	"	"

Offence and Remarks. {
¹ Whispering in chapel; impudent deportment.
² Whispering in chapel.
³ Impudence in school.

From February 29 to March 31, 1876.

Mar. 1,	James Maloney, ¹	7	Severe,	Strap,	Yes, .	Personally known,	Good.
1,	Ira F. Martin, ¹	12	"	"	" .	"	"
15,	Steven J. Cook, ²	12	"	"	" .	"	"
15,	John Williams, ³	12	"	"	" .	"	"
20,	Leonard F. Dyer, ⁴	12	"	"	" .	"	"

Offence and Remarks. {
¹ Whispering in chapel, with various other offences.
² Refusing to obey teacher.
³ Insolent behavior in school.
⁴ Leaving his work and going to play.

From April 1 to May 1, 1876.

Apr. 24,	Steven J. Cook, ¹	7	Severe,	Strap,	Yes, .	Personally known,	Good.
24,	Geo. E. Richardson, ¹	10	"	"	" .	"	"
30,	John Dugan, ²	12	"	"	" .	Admitted.	"

Offence and Remarks. {
¹ Taking garden roller and trundling it about the field.
² Insolence to teacher, striking another boy, having tobacco.

From May 1 to May 31, 1876.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
May 3,	Ed. Wyman, ¹	12	Severe,	Strap,	Yes,	Personally known,	Good.
3,	Benj. Lynch, ¹	12	"	"	"	"	"
5,	Ed. Wyman, ²	12	"	"	"	"	"
5,	James Pettes, ²	12	"	"	"	"	"
8,	John Williams, ³	12	"	"	"	Admitted.	"

Offence and Remarks. { ¹ Insolence and disobedience to teacher.
² Bad conduct in chapel, whispering, etc.
³ Malignant injury of school organ.

From June 1 to July 1, 1876.

No corporal punishments during the past month, and very little punishing of any kind. The boys are generally well disposed, kind and obliging.

From July 1 to August 1, 1876.

July 10,	Thomas Kelley, ¹	15	Heavy,	Strap,	Yes,	Personally known,	Good.
12,	Richard Young, ¹	6	"	"	"	"	"
12,	John Ash, ²	6	"	"	"	"	"
25,	James Westwater, ³	12	"	"	"	"	"
25,	Edwin Collins, ⁴	18	"	"	"	"	"
31,	James Maloney, ¹	12	"	"	"	"	"

Offence and Remarks. { ¹ Impudence and neglect of work.
² Stealing fruit.
³ Stealing writing-paper.
⁴ Disorder in sleeping-hall and using and distributing tobacco.

From July 31 to August 31, 1876.

Aug. 5,	Patrick Ash, ¹	10	Severe,	Strap,	No,	Personally known,	Good.
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Offence and Remarks. { ¹ Violently assaulted another boy, struck him a dangerous blow on the head with a piece of board three or four feet long.

From October 1 to November 1, 1876.

Oct. 23,	James Cassidy, ¹	12	Severe,	Strap,	Yes,	Personally known,	Good.
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Offence and Remarks. ¹ Neglect of work.

From November 1 to November 30, 1876.

Nov. 3,	James Pettes, ¹	12	Severe,	Strap,	Yes,	Personally known,	Good.
20,	Thomas Ash, ²	6	"	"	"	"	"
20,	Frank Saunders, ²	6	"	"	"	"	"
20,	Thom. Scanlon, ²	6	"	"	"	"	"
22,	Richard Young, ³	20	"	"	"	"	"
27,	Dennis Kelley, ⁴	12	"	"	"	"	"
29,	Thomas Flynn, ⁵	12	"	"	"	"	"

Offence and Remarks. { ¹ Disobedience.
² Making disturbance after retiring at night.
³ Drawing obscene pictures.
⁴ Impudence.
⁵ Neglect of work and impudence.

From December 1, 1876, to January 1, 1877.

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Dec. 31,	John Buckley, ¹	12	Severe,	Strap,	Yes,	Personally known,	Good.

Offence and Remarks. ¹ Refusing to obey teacher.

From January 1 to January 31, 1877.

Jan. 10,	Benj. Lynch, ¹	12	Severe,	Strap,	Yes,	Personally known,	Good.
27,	James Kelly, ²	12	"	"	"	"	"
27,	Edw. Hefferen, ³	12	"	"	"	"	"
7,	Alanson Jones, ³	25	"	"	"	"	"

Offence and Remarks. { ¹ Bad conduct in school.
² Whispering and improper noises in sleeping-hall.
³ Getting into small boy's bed for vile purposes.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY E. C. WHEATLEY.

From February 29 to March 31, 1876.

Mar. 3,	Stephen Droyer, ¹	15	Severe,	Strap,	He had,	Personally known,	Good.
11,	Joseph Watson, ¹	20	"	"	"	"	No effect.
16,	David Proper, ²	12	"	"	"	"	Good.
20,	Thos. Cassidy, ³	10	"	"	"	"	"
20,	Orr, ²	14	"	"	"	"	"
20,	Bernard Henley, ³	12	"	"	"	"	"
20,	Frank Martin, ²	10	"	"	"	"	"

Offence and Remarks. { ¹ Disorder in dining-hall.
² Disorder.

From April 1 to May 1, 1876.

Apr. —,	Peter Graham, ¹	8	Light,	Strap,	He had,	From their teacher,	Good.
	Herbert Elliott, ¹	10	"	"	"	"	"
	Costello, ¹	10	"	"	"	"	"
	M. F. Kenney, ²	20	Severe,	"	"	Personally known,	"

Offence and Remarks. { ¹ Disorder in school.
² Stubbornness and disobedience.

From April 30 to May 31, 1876.

May 21,	Perry, A. Z., ¹	10	Light,	Strap,	He had,	Personally known,	Good.
24,	Cornitt, ²	8	"	"	"	"	"
29,	Hicks, ³	8	"	"	"	"	"
29,	Riley, ³	8	"	"	"	"	"
31,	Wallace, ²	14	Severe,	"	"	"	"

Offence and Remarks. { ¹ Inattention and impudence.
² Disorder.

From May 31 to June 30, 1876.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
June -,	Wallace, ¹ . . .	10	Severe,	Strap,	He had,	Personally known,	Good.
	Hicks, ² . . .	8	"	"	"	"	"
	Perry, ³ . . .	6	Light,	"	"	"	"
	Donahue, ⁴ . . .	12	Severe,	"	"	"	"
	Conlan, ¹ . . .	10	"	"	"	"	"

Offence and Remarks. {¹ Disorder.
² Indecent conduct.
³ Stubbornness.
⁴ Lying.

From June 30 to July 31, 1876.

July -,	Manihan, ¹ . . .	8	Light,	Strap,	He had,	Personally known,	Good.
	Michael Doud, ¹ . . .	10	"	"	"	"	"
	McGinnis, ² . . .	12	Severe,	"	"	"	"
	Isaac Roberts, ³ . . .	14	"	"	"	"	"

Offence and Remarks. {¹ Quarrelling.
² Disorder.

From July 31 to August 31, 1876.

Aug. 6,	James Shehan, . . .	15	Severe,	Strap,	He had,	Personally known,	Good.
8,	Fitz.Gibbons, . . .	15	"	"	"	"	"
12,	Jesse Richardson, . . .	12	Light,	"	"	"	"
24,	James Maloney, . . .	10	"	"	"	"	"
26,	Michael Doud, . . .	14	Severe,	"	"	"	"
26,	John Corniff, . . .	14	"	"	"	"	"
26,	McFarland, . . .	10	Light,	"	"	"	"
27,	Smith, lower dept., . . .	12	"	"	"	"	"
29,	Johnny Clark, . . .	12	"	"	"	"	"
29,	Forbush, . . .	12	"	"	"	"	"

From August 31 to September 30, 1876.

Sept. 12,	McDermott, 3d school, ¹ . . .	12	Severe,	Strap,	He had,	Personally known,	Good.
25,	James Madigan, ² . . .	15	"	"	"	"	"
25,	Wallace, ³ . . .	15	"	"	"	"	"
14,	Charles Orr, ³ . . .	10	"	"	"	"	"

Offence and Remarks. {¹ Abusing smaller boys.
² Fighting.
³ Lying and disorder.

From October 31 to November 30, 1876.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Nov. —,	Forbush, ¹	15	Severe,	Strap,	He had,	Personally known,	—
	Theodore Johnson, ²	15	"	"	"	"	"
	Dame, ³	20	"	"	"	"	"
	Miles Ludden, ²	15	"	"	"	"	"
	Hicks, ²	10	Light,	"	"	"	"
	Tillotson, ²	10	"	"	"	"	"
	Doud, ²	10	"	"	"	"	"
	Hodgkins, ²	10	"	"	"	"	"
	Orr, ²	15	Severe,	"	"	"	"
	Thornton, ²	15	"	"	"	"	"
	Bowes, ²	10	Light,	"	"	"	"
	Fornen, ⁴	20	Severe,	"	"	"	"

Offence and Remarks. {¹ Fighting.
² Disorder.
³ Insolence and profanity.
⁴ Writing an improper note.

From December 31, 1876, to January 31, 1877.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Jan. —,	Otis, ¹	12	Severe,	Strap,	He had,	Personally known,	Good.
	Cowhey, ¹	14	"	"	"	"	"
	Quinn, ²	15	"	"	"	"	"
	John Reardon, ²	10	"	"	"	"	"
	Hicks, ¹	10	"	"	"	"	"
	Bowes, ²	10	"	"	"	"	"
	Cox, ⁴	15	"	"	"	"	"
	Cashman, ²	10	"	"	"	"	"
	Elliot, ⁴	15	"	"	"	"	"
	Bennett, ⁴	18	"	"	"	"	"
	King, ⁵	20	"	"	"	"	"
	Dixon, ⁶	15	"	"	"	"	"
	Fulton, ⁷	15	"	"	"	"	"
	Doud, ⁷	10	"	"	"	"	"
	Lutz, ⁷	15	"	"	"	"	"
	Hodgkins, ⁷	16	"	"	"	"	"

Offence and Remarks. {¹ Disorder in chapel.
² Disorder in dining-hall.
³ Disorder in sleeping-hall.
⁴ Disorder in school.
⁵ Disorder on line.
⁶ Fighting.
⁷ Disorder.

From January 31 to February 28, 1877.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Jan. —,	King, ¹	15	Severe,	Strap,	He had,	Personally known,	Good.
	McCray, ²	10	"	"	"	"	"
	Curtin, ¹	10	"	"	"	"	"
	Tillotson, ²	12	"	"	"	"	"
	Mara, ²	10	"	"	"	"	"
	J. Reardon, ¹	10	"	"	"	"	"
	Proper, ²	15	"	"	"	"	"
	Conlan, ²	15	"	"	"	"	"

Offence and Remarks. {¹ Fighting.
² Disorder.
³ Insolence.

838 REFORM SCHOOL—INVESTIGATION. [Mar.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY STEPHEN ARMISTAGE.

From March 31 to May 1, 1876.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Apr. 3,	Bernard Healy, ¹	10	Severe,	Strap,	Yes,	Personally known,	Good.
19,	Fred. Baley, ¹	8	"	"	"	"	"
19,	Tim Mara, ²	8	"	"	"	"	"
27,	Geo. Dudley, ²	10	"	"	"	"	"

Offence and Remarks. { ¹ Playing in shop.
² Playing in yard after the whistle blew.

From April 30 to June 1, 1876.

May 11,	Cassidy, ¹	8	Severe,	Strap,	Yes,	Personally known,	Good.
11,	Shehan, ¹	8	"	"	"	"	"
24,	Miles Ludden, ²	10	"	"	"	"	"
31,	Hodgkins, ²	8	"	"	"	"	"
31,	Riley, ²	8	"	"	"	"	"

Offence and Remarks. { ¹ Playing in dining-hall.
² Striking a boy in yard.
³ Noise in yard after whistle blew.
⁴ Noise in dining-hall.

From May 31 to July 1, 1876.

June 18,	Blaisdell, ¹	10	Severe,	Strap,	Yes,	Personally known,	Good.
19,	P. Cobbett, ²	10	"	"	"	"	"
23,	G. Mason, ²	8	"	"	"	"	"
28,	Peter Cobbett, ²	14	"	"	"	"	"

Offence and Remarks. { ¹ Gingerbread from dining-hall to yard.
² Playing in chapel.
³ Disorder in line.
⁴ Water in Dorfter's boots.

From June 20 to August 1, 1876.

July 7,	J. A. Toole, ¹	8	Severe,	Strap,	Yes,	Personally known,	Good.
11,	Cogger McCarty, ²	10	"	"	"	"	"
14,	Fred. Bailey, ³	12	"	"	"	"	"
22,	Richardson, ⁴	10	"	"	"	"	"
22,	Forbush, ⁴	10	"	"	"	"	"
22,	Dean, ²	10	"	"	"	Admitted,	"
24,	Wm. Snell, ¹	8	"	"	"	Personally known,	"
29,	Flynn, ⁵	10	"	"	"	Admitted,	"
29,	Wm. Burns, ⁵	8	"	"	"	"	"

Offence and Remarks. { ¹ Playing in dining-hall.
² Playing in shop.
³ Lazy in shop.
⁴ Talking after whistle blew.
⁵ Impudence to Miss Danforth.

From July 31 to September 1, 1876.

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Aug. 9,	Dugan, ¹	14	Severe,	Strap,	Yes,	Admitted,	Good.
9,	Harris, ²	10	"	"	"	Personally known,	"
10,	Jas. Toole, ³	8	"	"	"	"	"
14,	McGinnis, ⁴	10	"	"	"	"	"
18,	Conlan, ⁵	10	"	"	"	"	"
19,	Rowell, ⁶	15	"	"	"	Admitted,	"
24,	O'Toole, ⁷	10	"	"	"	"	"
24,	Shattuck, ⁷	10	"	"	"	"	"
31,	Magner, ⁸	10	"	"	"	"	"
31,	Hogan, ⁸	10	"	"	"	"	"
31,	Murphy, ⁸	10	"	"	"	"	"

Offence and Remarks. ¹ Stealing cane.
² Going to the pump after whistle blew.
³ Playing in shop.
⁴ Talking in line.
⁵ Striking Thompson.
⁶ Cutting his shoes.
⁷ Taking bread from dining-hall to yard.
⁸ In water-closet after whistle blew.

From August 31 to October 1, 1876.

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Oct. 10,	Furnald, ¹	10	Severe,	Strap,	Yes,	Personally known,	Good.
10,	H. Smith, ¹	10	"	"	"	"	"
10,	Crowley, ¹	10	"	"	"	"	"
11,	Charles Orr, ²	10	"	"	"	"	"
19,	C. Gilmore, ²	10	"	"	"	"	"
19,	John Foley, ³	10	"	"	"	"	"
21,	Wiley, ⁴	10	"	"	"	"	"
27,	James Reardon, ⁵	8	"	Cane,	"	"	"

Offence and Remarks. ¹ Bread from dining-hall to yard.
² Laziness.
³ Disorder in dining-hall.
⁴ Disorder in shop.
⁵ Disorder on parade.

From October 1 to November 1, 1876.

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Oct. 6,	Tom Connors, ¹	8	Severe,	Strap,	Yes,	Personally known,	Good.
6,	Michael Connors, ¹	8	"	"	"	"	"
8,	T. Thornton, ²	10	"	"	"	"	"
8,	F. Riley, ³	6	"	"	"	"	"
8,	McFarland, ³	10	"	"	"	"	"
9,	Wm. Burns, ³	12	"	"	"	"	"
9,	Dugan, ³	12	"	"	"	"	"
12,	Harwood, ⁴	12	"	"	"	"	"
29,	John Fulton, ³	10	"	"	"	"	"
29,	B. Sullivan, ³	8	"	"	"	"	"

Offence and Remarks. ¹ Playing in dining-hall.
² Playing in school.
³ Playing at prayers.
⁴ Cutting his shoes.

From November 1 to December 1, 1876.

DATE.	N A M E .	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Nov. 7,	Geo. Connors, ¹	10	Severe,	Strap,	Yes,	Admitted,	Good.
7,	Martell, ¹	10	"	"	"	"	"
9,	Wilsey, ²	8	"	"	"	Personally known,	"
9,	Tim Harris, ²	8	"	"	"	"	"
9,	Thornton, ²	8	"	"	"	"	"
11,	Jas. O'Toole, ²	8	"	"	"	"	"
11,	W. Long, ²	8	"	"	"	"	"
16,	Coughlin Corniff, ³	8	"	"	"	"	"
16,	Elliott, ⁴	8	"	"	"	"	"
17,	E. Ballantyne, ⁵	15	"	"	"	"	"
20,	Condon, ⁴	12	"	"	"	"	"
26,	Keefe and Thornton, ⁴	10	"	"	"	"	"
30,	Bonnor, ⁶	10	"	"	"	"	"

Offence and Remarks. {
¹ Cutting chair.
² Playing in shop.
³ Fighting in yard.
⁴ Playing in dining-hall.
⁵ Stealing cane.
⁶ Striking Fogg in yard.

From December 1 to December 31, 1876.

Dec. 1,	Fred. Bailey, ¹	10	Severe,	Strap,	Yes,	Personally known,	Good.
1,	Fulton, ¹	10	"	"	"	"	"
4,	Cadron, ²	10	"	"	"	"	"
6,	W. Shannahan, ³	25	"	"	"	"	"
14,	Wm. Timothy, ⁴	10	"	"	"	"	"
18,	Jas. O'Toole, ²	12	"	"	"	"	"
20,	Thornton, ³	15	"	"	"	"	"
26,	Condon, ³	10	"	"	"	"	"

Offence and Remarks. {
¹ Laziness.
² Playing in dining-hall.
³ Playing in shop.
⁴ Playing on parade.

From January 1 to February 1, 1877.

Jan. 3,	Wm. Burns, ¹	10	Severe,	Strap,	Yes,	Personally known,	Good.
3,	McCafferty, ¹	10	"	"	"	"	"
5,	Lincoln May, ²	8	"	"	"	"	"
9,	Thomas Harris, ³	10	"	"	"	"	"
15,	C. Boniface, ²	10	"	"	"	"	"
23,	A. Forbush, ⁴	8	"	"	"	"	"

Offence and Remarks. {
¹ Throwing snow in yard.
² Playing in shop.
³ Laughing at prayers.
⁴ Talking after whistle blew.

From February 1 to March 1, 1877.

Feb. 2,	Tom Harris, ¹	10	Severe,	Strap,	Yes,	Personally known,	Good.
3,	Boniface, ²	10	"	"	"	"	"
3,	Ed. McCarty, ²	10	"	"	"	"	"
6,	Ed. Johnson, ¹	10	"	"	"	"	"

Offence and Remarks. {
¹ Playing in shop.
² Stealing cane.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY N. W. BROWN.

From March 1 to April 1, 1876.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Mar. 2,	G. Welch, ¹	7	Light,	Strap,	Yes,	Known,	Good.
11,	Tilton, ²	9	"	"	"	"	"
11,	Goodwin, ³	7	"	"	"	"	"
18,	Butterfield, ³	12	Severe,	"	"	"	↑
23,	Carter, ³	9	"	"	"	"	Good.
27,	Griswold, ⁴	4	"	"	"	Boys, and admitted,	↑
27,	Ash, ⁵	9	"	"	"	"	Good.

* Did not count.

† Pro tempore.

Offence and Remarks. {
¹ Lazy.
² Unddy.
³ Disobedience.
⁴ Abusing the small boys.
⁵ Disturbance in shop.

From April 1 to May 1, 1876.

Apr. 8,	Monaghan, ¹	9	Severe,	Strap,	Yes,	Known,	Good.
21,	Clark, ²	7	Light,	"	"	"	"
21,	Raymond, ³	5	"	"	"	"	"
23,	O. Welch, ³	9	Severe,	"	"	"	"
23,	Carter, ³	9	"	"	"	"	"
23,	Eldredge, ³	7	"	"	"	"	"
28,	Shehan, ⁴	9	"	"	"	"	"

Offence and Remarks. {
¹ Insolence.
² Lazy.
³ Bad behavior in chapel.
⁴ Stubborn.

From May 1 to June 1, 1876.

May 10,	Healey, ¹	12	Severe,	Strap,	Yes,	Report of teacher,	Good.
18,	Howard, ¹	15	"	"	"	"	"
18,	Crocker, ²	10	"	"	"	Known,	"
23,	Ash, ²	8	"	"	"	"	"
23,	Miller, ³	8	"	"	"	"	"
29,	Rogers, ⁴	15	"	"	"	[Report of teacher,	"

Offence and Remarks. {
¹ Disturbance in school.
² Disturbance in hall.
³ Destroying bed-clothes.
⁴ Disturbance in chapel singing day.

From June 1 to July 1, 1876.

June 7,	Howard, ¹	9	Severe,	Strap,	Yes,	Reported, Teacher,	Good.
12,	Eldredge, ²	11	"	"	"	"	"
20,	Carter, ³	9	"	"	"	Known,	"
20,	Broderick, ⁴	12	"	"	"	"	"
20,	Clark, ³	7	"	"	"	"	"
20,	Crocker, ³	9	"	"	"	"	"

Offence and Remarks. {
¹ Impudence.
² Disturbance in school.
³ Disobedience.
⁴ Disobedience and lying.

From July 1 to August 1, 1876.

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
July 3,	Fish, ¹	9	Severe,	Strap,	Yes,	Teacher,	Good.
3,	Kelley, ¹	13	"	"	"	"	"
3,	Welch, ¹	13	"	"	"	"	"
3,	Miller, ¹	13	"	"	"	"	"
3,	Carter, ¹	13	"	"	"	"	"
3,	Monaghan, ¹	9	"	"	"	"	"
3,	Fury, ¹	11	"	"	"	"	"
16,	Newhall, ²	14	"	"	"	Known,	"
20,	Brassel, ²	9	"	"	"	"	"
29,	Murphy, ⁴	7	Light,	"	"	"	"

Offence and Remarks. {¹ Disturbance in school.
² Disobedience.
³ Lazy.
⁴ Stubborn.

From August 1 to September 1, 1876.

Aug. 4,	Fury, ¹	7	Severe,	Strap,	Yes,	Known,	Good.
6,	Fish, ¹	7	"	"	"	"	"
6,	Conway, ¹	7	"	"	"	"	"
14,	McCormick, ²	10	"	"	"	"	"

Offence and Remarks. {¹ Disobedience.
² Treachery as monitor.

From September 1 to October 1, 1876.

Sept. 4,	Broderick, ¹	10	Severe,	Strap,	Yes,	Proven,	Good.
4,	Tucker, ¹	10	"	"	"	"	"
8,	Fish, ²	9	"	"	"	Teacher,	"
14,	Newhall, ²	14	"	"	"	"	"
22,	Welch, ²	14	"	"	"	Known,	Good.
23,	Dricoll, ⁴	14	"	"	"	"	"
23,	McLaughlin, ²	14	"	"	"	Teacher,	"
26,	Rogers, ²	14	"	"	"	"	"
28,	McLaughlin, ²	14	"	"	"	"	"
28,	McGinness, ²	14	"	"	"	"	"

* Pro tempore.

Offence and Remarks. {¹ Stealing melons.
² Disturbance in school.
³ Lazy.
⁴ Stubborn.

From October 1 to November 1, 1876.

Sept. 9,	Miller, ¹	*	Severe,	Strap,	Yes,	Known,	Good.
9,	Leonard, ²	9	"	"	"	"	"
9,	Fish, ²	9	"	"	"	Teacher,	"
15,	Peters House boy, ²	*	"	"	"	Known,	"
22,	McLaughlin, ²	12	"	"	"	"	"
22,	Fish, ²	9	"	"	"	"	"
30,	Broderick, ⁴	15	"	"	"	"	"

* Did not count.

Offence and Remarks. {¹ Eloping.
² Stubborn.
³ Insolent; on forbidden ground, stealing forbidden fruit.
⁴ Lawless on general principles.

From November 1 to December 1, 1876.

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Nov. 11,	Shehan, ¹	*	Severe,	Strap,	Yes,	Known,	Good.
11,	Fury, ²	*	"	"	"	"	"
11,	Crowley, ³	*	"	"	"	"	"
15,	Raymond, ⁴	7	"	"	"	"	"
15,	Crocker, ⁵	18	"	"	"	"	†
15,	Price, ⁶	18	"	"	"	"	"
15,	Lawson, ⁷	18	"	"	"	Teacher,	"
21,	McGinness, ⁸	13	"	"	"	Known,	"
21,	Conway, ⁹	18	"	"	"	"	"
21,	Monaghan, ⁷	13	"	"	"	"	"
29,	Lawson, ⁹	18	"	"	"	"	"

* Did not count.

† Pro tempore.

Offence and Remarks. {
¹ Resisting punishment.
² Fighting monitor.
³ Lazy.
⁴ Disturbance in sleeping-hall.
⁵ Disturbance in school.
⁶ Stubborn.
⁷ Filthy.

From December 1 to December 31, 1876.

Dec. 5,	McGinness, ¹	15	Severe,	Strap,	Yes,	Asst. superintend't,	Good.
5,	McLanghlin, ¹	15	"	"	"	"	"
5,	Fury, ¹	15	"	"	"	"	"
6,	Rogers, ²	15	"	"	"	Teacher,	"
11,	Blaisdell, ³	9	"	"	"	"	"
12,	Fish, ⁴	9	"	"	"	Known,	"
15,	McHenry, ⁵	12	"	"	"	"	"
23,	Sherin, ⁶	9	"	"	"	"	"
26,	Raymond, ⁷	8	Light,	"	"	"	"
26,	Sherin, ⁸	15	Severe,	"	"	Teacher,	"

Offence and Remarks. {
¹ Disturbance in chapel.
² Advising pitching in.
³ Disturbance in school.
⁴ Stubborn.
⁵ Conduct at the table.
⁶ Lazy and stubborn.
⁷ Lying.

From January 1 to February 1, 1877.

Jan. 7,	Leonard, ¹	12	Severe,	Strap,	Yes,	Known,	Good.
8,	Fury, ²	*	"	"	"	Mr. Morse,	"
8,	Rogers, ³	*	"	"	"	Mr. Armitage,	"
19,	Howard, ⁴	*	"	"	"	Monitor,	"
19,	Leonard, ⁴	12	"	"	"	"	"
19,	Sheehan, ⁵	*	"	"	"	"	"
19,	Sherin, ⁶	7	"	"	"	"	"

* Did not count.

Offence and Remarks. {
¹ Stubborn.
² Insulting Mr. Morse.
³ Insulting Mr. Armitage.
⁴ Disturbance in hall.

From February 1 to March 1, 1877.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Feb. 1,	Fish, ¹	12	Severe,	Strap,	Yes,	Teacher,	Good.
2,	Raymond, ¹	8	"	"	"	Known,	"
2,	Jones, ¹	9	"	"	"	"	"
2,	Leonard, ¹	12	"	"	"	"	"
5,	Price, ¹	12	"	"	"	Teacher,	"
25,	Kelley, ¹	20	"	"	"	Known,	"
25,	McFarland, ⁴	10	"	"	"	"	"
26,	Sherin, ⁶	6	"	"	"	Teacher,	"
26,	Brassel, ⁶	*	"	"	"	Known,	"

* Did not count.

Offence and Remarks. {
¹ Insulting Mr. Hubbard.
² Disturbance in hall.
³ Insolent.
⁴ Tobacco.
⁵ Disturbance in school.
⁶ Filthy.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY D. E. DUDLEY.

From March 1 to April 1, 1876.

Mar. 1,	NAME.	Number of blows.	Severe,	Strap,	He has,	Personally,	Bad.
5,	Nat. Holden, ¹	15	"	"	"	"	Good.
5,	Charles Lovett, ¹	30	"	"	"	"	"
5,	Ward, ¹	15	"	"	"	"	"
6,	Nat. Holden, ¹	40	"	"	"	"	"
11,	Daniel Downey, ¹	15	"	"	"	"	Bad.
12,	John Cornell, ¹	15	"	"	"	"	"
12,	Thimothy O'Brien, ¹	15	"	"	"	"	Good.
19,	Daniel Downey, ¹	18	"	"	"	"	"
19,	Fred. Robbins, ¹	15	"	"	"	"	"
20,	Edward King, ¹	40	"	"	"	"	"

Offence and Remarks. ¹ Disorderly conduct.

From April 1 to May 1, 1876.

Apr. 2,	NAME.	Number of blows.	Severe,	Strap,	He had,	Personally,	Bad.
10,	John Cornell,	15	"	"	"	"	"
10,	Eugene Brennan, ¹	30	"	"	"	"	"
10,	John Cornell, ¹	30	"	"	"	"	Good.
28,	Fred. Robbins, ¹	15	"	"	"	"	"
30,	Stephen Ward, ¹	12	"	"	"	"	"

Offence and Remarks. ¹ Disorderly conduct.

From May 1 to May 31, 1876.

May 8,	NAME.	Number of blows.	Severe,	Strap,	He had,	Personally,	Bad.
9,	David Barry, ¹	18	"	"	"	"	Good.
9,	David Barry, ¹	30	"	"	"	"	"
9,	John Cornell, ¹	40	"	"	"	"	"
10,	Dan Sullivan, ¹	20	"	"	"	Miss Wells,	"
10,	Charles Seeley, ¹	50	"	"	"	Personally,	"
16,	Buchan, ²	15	"	"	"	"	"
16,	Kelly, ²	10	"	"	"	"	"
16,	Clark, ²	15	"	"	"	"	"
16,	Mara, ³	10	"	"	"	"	"
16,	Gallagher, ³	20	"	"	"	"	"

Offence and Remarks. {
¹ Disorderly conduct.
² Fighting.
³ Stealing.

From June 1 to June 30, 1876.

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
June 11,	John Cornell, ¹	15	Severe,	Strap.	He had,	By Miss Wells,	Good.
11,	Andrew Robinson, ¹	15	"	"	"	"	"
12,	Wm. Buchan, ¹	40	"	"	"	Personally,	"
12,	Joseph Clark, ¹	40	"	"	"	"	"

Offence and Remarks. ¹ Disorderly conduct in school.

From July 1 to July 31, 1876.

July 1,	Courtney, ¹	40	Severe,	Strap.	He had,	Personally,	Good.
12,	Patrick Roper, ²	40	"	"	"	"	"
18,	Michael Sullivan, ¹	12	"	"	"	"	"
18,	Robbinson, ²	25	"	Stick,	"	"	"
28,	John Cornell, ¹	12	"	Strap,	"	"	"
28,	Charles Morse, ¹	12	"	Stick,	"	"	"

Offence and Remarks. ¹ Disorderly conduct.
² For trying to elope.

From August 1 to August 31, 1876.

Aug. —,	Kelly, ¹	40	Severe,	Strap.	He had,	Personally,	Good.
	Dan. Sullivan, ¹	40	"	"	"	"	"
	McGaffery, ¹	40	"	"	"	"	"
	Charles Seeley, ²	30	"	"	"	"	"
	Buchan, ²	40	"	"	"	"	Bad.
	Cromwell, ²	30	"	"	"	"	"
	Fitzpatrick, ²	20	"	"	"	"	"
	D. S. Dudley, ²	12	"	"	"	"	"
	Cornell, ²	5	"	"	"	"	"
	An. Robinson, ²	50	"	"	"	"	"
	Buchan, ²	20	"	"	"	"	"
	Kelly, ²	10	"	"	"	"	"

Offence and Remarks. ¹ Stealing.
² Disorderly.

From September 1 to October 1, 1876.

Sept. 18,	James Kelly, ¹	8	Severe,	Strap,	He had,	Personally,	Bad.
18,	Christopher Ward, ¹	5	"	"	"	"	Good.
18,	Michael Carry, ¹	20	"	"	"	"	"
18,	Michael Toole, ¹	8	"	"	"	"	"
19,	John Hanlon, ¹	12	"	"	"	"	"
19,	Charles Rice, ¹	8	"	"	"	"	"
20,	James Kelly, ¹	40	"	"	"	"	"
20,	Redland, ¹	20	"	"	"	"	"
20,	Baxter, ¹	15	"	"	"	"	"

Offence and Remarks. ¹ Disorderly conduct.

From October 1 to November 1, 1876.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Oct. 1,	Christopher Ward, ¹	12	Severe,	Strap,	He has,	Personally,	Good.
1,	Ingalls, ¹	12	"	"	"	"	Bad.
1,	James Kelley, ¹	10	"	"	"	"	Good.
1,	John Toole, ¹	8	"	"	"	"	Bad.
1,	Florence Courtney, ¹	8	"	"	"	"	"
1,	Charles Rice, ¹	20	"	"	"	"	Good.
3,	Gourtney, ¹	15	"	"	"	"	"
3,	Charles Rice, ²	80	"	"	"	"	"
8,	Buchan, ¹	10	"	"	"	"	"
31,	John Tool, ¹	8	"	"	"	"	"
31,	Thomas Norton, ¹	40	"	"	"	"	"
31,	John Green, ¹	50	"	"	"	"	"
31,	Hector, ¹	30	"	"	"	"	"

Offence and Remarks. { ¹ Disorderly conduct.
² Elopéd.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY O. A. FLINT.

From August 15 to August 31, 1876.

Aug. 17,	John McDermott, ¹	6	Light,	Strap,	He had,	Personally known,	Good.
21,	Charles Bonner, ²	6	"	"	"	Reported by Supt.,	"
25,	Wm. H. Hodgkins, ³	6	"	"	"	Personally known,	"
28,	Jas. McGuinness, ⁴	8	Severe,	"	"	"	"
31,	John McDermott, ⁵	12	"	"	"	"	"

Offence and Remarks. { ¹ Laughing at another boy's disobedience.
² Decided disorder while on parade.
³ Falsely representing that he was ordered by asst. supt. to go into bath-room to wash his pants.
⁴ Persistent whispering and disobedience.
⁵ Whispering and disobedience under aggravated circumstances.

From September 1 to September 30, 1876.

Sept. 9,	John Clark, ¹	4	Light,	Strap,	He was,	Personally known,	Good.
13,	John Dean, ¹	10	"	"	"	"	"
13,	Philip Tripp, ¹	6	"	"	"	"	"
16,	Jas. McKay, ¹	8	"	"	"	Admitted,	"
23,	John Clark, ²	7	"	"	"	Personally known,	"
23,	Warren Harwood, ³	5	"	"	"	"	"
25,	Daniel Roberts, ⁴	10	Severe,	"	"	"	"
26,	Jer. McAuliff, ⁵	5	Light,	"	"	"	"
26,	Jer. Coughlin, ⁵	5	"	"	"	"	"

Offence and Remarks. { ¹ Disobedience.
² Making an obscene picture on blackboard.
³ Disorder on parade.
⁴ Impudently refusing to obey.

From October 1 to October 31, 1876.

DATE.	N A M E .	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Oct. 7,	Wm. Timothy, ¹	8	Light,	Strap,	He was,	Personally known,	Good.
10,	Tim. Mahoney, ¹	7	"	"	"	"	"
11,	John J. Collins, ²	7	"	"	"	"	"
13,	John J. Foley, ³	8	Severe,	"	"	"	"
17,	Andrew Robinson, ⁴	7	"	"	"	"	"
23,	Fred. Brennan, ⁵	20	"	"	"	"	"
23,	John Clark, ⁶	9	Light,	"	"	Reported by Supt.,	"
24,	Edward Webber, ⁷	7	"	"	"	Personally known,	"
26,	Jas. McKay, ⁸	8	"	"	"	"	"
30,	Jere. Minnehan, ¹	7	"	"	"	"	"

¹ Disobedience.
² Defacing the blackboard in school-room.
³ Striking a boy in school.
⁴ Disorder in school.
⁵ Persistent disorder; resistance and impudence when punished.
⁶ Malicious disorder when on parade.
⁷ Neglecting, obstinately, to make his bed properly.
⁸ Impudence.

From November 1 to November 30, 1876.

Nov. 3,	John F. Rodgers, ¹	10	Severe,	Strap,	He was,	Personally known,	Good.
7,	James Conlon, ²	10	"	"	"	"	"
22,	Martin Quinn, ³	8	Light,	"	"	"	"
25,	Jere. Minnehan, ³	10	Severe,	"	"	"	"
25,	Jas. Coe-grove, ³	10	"	"	"	"	"
28,	Thomas Daly, ³	7	Light.	"	"	"	"

¹ Impudence.
² Disorder in hall.
³ Striking a boy in school.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY F. FAULKNER.

From August 1 to December 1, 1876.

Aug. 9,	F. Goodwin, ¹	10	Severe,	Strap,	He has,	Personally known,	Good.
10,	C. McLaughlin, ¹	12	"	"	"	"	"
10,	Edw. Follon, ²	12	"	"	"	"	"
22,	Arch. Stebbins, ³	10	"	"	"	"	"
Sept. 1,	J. McCoy, ³	8	"	"	"	"	"
2,	J. Richardson, ³	12	"	"	"	"	"
6,	Robinson, ³	12	"	"	"	"	"
30,	D. Cowhey, ⁴	15	"	"	"	"	"
Nov. 27,	Joseph Lombey, ⁵	20	"	"	"	"	"

¹ Committing a nuisance on floor.
² Stealing.
³ Committing a nuisance.
⁴ Refusing to work.
⁵ Playing in line and lying.

From January 1 to January 31, 1877.

Jan. 2,	James Sheehen, ¹	25	Severe,	Strap,	He has,	Personally,	Good.
3,	Michael Long, ²	15	"	"	"	"	"

¹ Refusing to work.
² Playing in school.

From February 1 to February 28, 1877.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Feb. 25,	F. Bailey, ¹	16	Severe,	Strap,	He has,	Personally,	Good.

Offence and Remarks. ¹ Striking a boy in school.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY P. R. MORSE.

From December 1 to December 31, 1876.

Dec. 8,	Geo. Flynn, ¹	7	Severe,	Strap,	He has,	Teacher,	Good.
10,	J. J. Mulligan, ¹	7	"	"	"	Known,	"
10,	John Redland, ¹	9	"	"	"	"	"
10,	Michael McKegney, ¹	6	"	"	"	"	"
11,	Adolphus Vincent, ¹	15	"	"	"	Very stubborn,	"
20,	John Cornell, ¹	7	"	"	"	Known,	"
27,	J. J. Mulligan, ¹	9	"	"	"	"	"

Offences and Remarks. ¹ Stubbornness.

From January 1 to January 31, 1877.

Jan. 2,	J. J. Mulligan,	9	Severe,	Strap,	He has,	Personally known,	*
3,	J. Redland,	8	Light,	"	"	"	"
5,	J. Cornell,	10	Severe,	"	"	"	"
8,	T. Flynn,	9	"	"	"	"	"
8,	J. J. Mulligan,	7	Light,	"	"	"	"
9,	T. Caffey,	18	"	"	"	"	"
23,	M. Kilnan,	15	"	"	"	"	"
24,	J. Silver,	7	"	"	"	"	"
28,	J. Cornell,	8	"	"	"	"	"

* Good for the time being.

From February 1 to February 28, 1877.

Feb. 10,	John Cornell,	10	Severe,	Strap,	He has,	For the teacher,	Good.
28,	Timothy Fenton,	8	Light,	"	"	Personally known,	"

RECORD OF CORPORAL PUNISHMENT INFLICTED BY JOHN H. CUMMINGS.

From February 1 to March 31, 1876.

Mar. —,	Robert Driscoll, ¹	8	—	Strap,	—	Personally known,	—
	Joseph Lomby, ¹	10	—	"	—	"	—
	Daniel Donovan, ¹	9	—	"	—	"	—
	John Langan, ¹	10	—	"	—	"	—
	James Mulligan, ¹	8	—	"	—	"	—
	McGuinniss, ¹	7	—	"	—	"	—
	Robert Gourley, ¹	16	—	"	—	"	—
	Tim Moynihan, ²	6	—	"	—	"	—
	Joseph Lomby, ³	8	—	"	—	"	—
	Tinton, ⁴	7	—	"	—	"	—
	F. Riley, ⁴	5	—	"	—	"	—

Offence and Remarks. {
¹ Disorderly conduct.
² Resisting.
³ Stealing cane.
⁴ Whispering.

From December 1, 1876, to January 1, 1877

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Dec. 3,	John Clark, ¹	7	-	Strap,	-	Personally known,	-
3,	Condon, ²	12	-	"	-	"	-
6,	Wm. Murphy, ³	10	-	"	-	"	-
8,	Conniff, ³	9	-	"	-	"	-
10,	Cross, ³	7	-	"	-	"	-
12,	Harwood, ³	6	-	"	-	"	-
15,	Edward Foman, ⁴	15	-	"	-	"	-
15,	Wm. Buchan, ⁴	16	-	"	-	"	-
16,	O'Connors, ⁵	7	-	"	-	"	-
16,	Johnson, ³	10	-	"	-	"	-
21,	Elllott, ³	12	-	"	-	"	-
21,	McCafferty, ³	10	-	"	-	"	-
21,	Richardson, ³	10	-	"	-	"	-
26,	Wm. Murphy, ³	8	-	"	-	"	-

Offence and Remarks. { ¹ Whispering.
² Disorderly conduct in line.
³ Disorderly conduct in the shop.
⁴ Fighting.
⁵ Inattention.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY E. H. RICE.

From February 29 to March 31, 1876.

Mar. -,	McGinnis, ¹	-	-	Strap,	He has,	Personally known,	*
	Coffee, ¹	-	-	"	"	"	*
	Morse, ²	-	-	"	"	"	*
	Malony, ²	-	-	"	"	"	*

* It put them under the fear of it.

Offence and Remarks. { ¹ Disorder in school.
² Fighting.

From April 1 to May 1, 1876.

Apr. 1,	Caboon, ¹	-	-	Strap.	He has,	Known,	Good.
	McGinnis, ¹	-	-	"	"	"	"
	Richardson, ²	-	-	"	"	"	"

Offence and Remarks. { ¹ Fighting.
² Disorder in yard.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY LEACH CLARK, HALL-MAN.

From June 1 to July 1, 1876.

July 26,	Thos. Scanlon, ¹	40	Severe,	Strap,	Yes,	Known,	Good.
26,	Cassidy, ¹	10	Light,	"	"	"	"
26,	Blaisdell, ¹	40	Severe,	"	"	"	"
30,	Sheney, ²	10	"	"	"	"	"
30,	Cogger, ²	10	"	"	"	"	"

Offence and Remarks. { ¹ Fighting and lying.
² Disorder in line.

850 REFORM SCHOOL—INVESTIGATION. [Mar.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY E. B. BIGELOW.

From October 31 to November 30, 1876.

DATE.	N A M E.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Nov. 5,	F. A. Bailey, ¹	15	Severe, ²	Strap,	Yes, .	Personally known,	Good.
5,	John Martell, ¹	10	Light, ²	"	" .	" "	"
20,	Jer. Minnehan, ¹	20	Severe, ²	"	" .	" "	"
20,	John Collins, ¹	20	Severe, ²	"	" .	" "	"
—,	Chas. McCray, ³	8	Light, ²	"	" .	" "	"

* On hand.

Offence and Remarks. { ¹ Repeated disorder.
 { ² Disorder in school.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY W. H. HAYES.

From December 1, 1876, to January 1, 1877.

Dec. 21,	Sullivan, ¹	10	Light,	Strap,	Yes, .	Personally known,	Good.
21,	Jordan, ¹	12	"	"	" .	" "	"
21,	Tyler, ¹	15	Severe,	"	" .	" "	"
21,	Theo. Johnson, ³	12	"	"	" .	" "	"
21,	C. Brown, ³	15	"	"	" .	" "	"

Offence and Remarks. { ¹ Disorderly conduct in school.
 { ² Bad conduct in dining-room.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY NORMAN P. WOOD.

From January 2 to February 1, 1877.

Jan. —,	Piggott, ¹	10	—	Strap,	He has,	Known,	Good.
	Francis Thompson, ¹	8	—	"	"	"	"
	Kennady, ¹	5	—	"	"	"	"
	Coughlin, ¹	8	—	"	"	"	"
	McCormic, ¹	8	—	"	"	"	"
	Tim. Maynehan, ¹	3	—	"	"	"	"
	May, ¹	5	—	"	"	"	"
	Lee, ³	10	—	"	"	"	"
	Strachn, ¹	10	—	"	"	"	"
	Young, ¹	8	—	"	"	"	"
	Grant, ¹	10	—	"	"	"	"
	Bonner, ¹	6	—	"	"	"	"
	Dean, ³	8	—	"	"	"	"
	Lomby, ⁴	10	—	"	"	"	"
	Williams, ³	10	—	"	"	"	"
	King, ³	10	—	"	"	"	"
	Callahan, ³	10	—	"	"	"	"
	Dennis Sullivan, ¹	10	—	"	"	"	"

Offence and Remarks. { ¹ Whispering.
 { ² Murmuring.
 { ³ Insolence.
 { ⁴ Refusing to obey an order.

RECORD OF CORPORAL PUNISHMENT INFLICTED BY C. S. DAVIS.

From January 1 to February, 1877.

DATE.	NAME.	Number of blows.	Light or severe.	Instrument used.	Has the boy been labored with subsequent to the offence, and previous to punishment?	Was the offence admitted or personally known to you, or was a knowledge of it derived from other boys?	Was the effect of the punishment upon the boy good or bad?
Jan. 4,	M. Bradley, ¹	10	Med'm,	Strap,	Yes,	Known,	Good.
4,	A. Robinson, ¹	15	Severe,	"	"	"	"
4,	D. Roberts, ²	20	"	"	"	"	"
10,	H. L. Jordan, ¹	10	Light,	Strap,	"	"	"
10,	J. J. Collins, ¹	10	"	"	"	"	"
12,	B. Brown, ¹	10	Severe,	"	"	"	"
16,	J. Minnihan, ¹	20	"	"	"	"	"
16,	C. Boniface, ¹	15	Light,	"	"	"	"
7,	Geo. Dusha, ¹	15	"	"	"	"	"
12,	Geo. Dusha, ¹	15	"	"	"	"	"
17,	C. Hows, ¹	20	Severe,	"	"	"	"
18,	M. Bradley, ¹	25	"	"	"	"	"
31,	C. T. Smith, ¹	20	"	"	"	"	"

* Strap and box.

Offence and Remarks. { ¹ Bad order in school.
{ ² Bad order in school and dining-hall.

ARGUMENT OF HENRY D. HYDE, ESQ.

Mr. Chairman and Gentlemen:—

I notice that we have succeeded in giving employment to the state printer to the extent of 851 pages, but I am not going through these pages to make any analysis of testimony, nor to enter into any discussion of particular witnesses, nor in detail to go over the facts which may have come before this Committee. The Committee have patiently listened to the witnesses as they have appeared before them; they have heard their testimony, and can judge of them, their motives, the general value of their testimony, and the character of it, as it has been introduced here, and it is not necessary that I should dwell in detail upon that. I only desire to say, before proceeding directly to the consideration of such facts as I desire to present to the Committee, that in appearing here for the trustees, and in taking such a part as has fallen to my lot during this investigation, I have not been able to forget, nor have I sought to forget, that I am a citizen of Massachusetts; and whatever professional relations I may hold to this case, I have not allowed these to stand between me and what, in my judgment as a citizen of this Commonwealth, I ought to do in the present case. But I have sought, during the whole of the investigation, to assist the Committee in ascertaining all the facts, and I have sought to bring out the truth. I have not sought to render myself blind to any facts that have come out here, or to allow my judgment to be warped or prejudiced by the fact that I appear here in behalf of the trustees.

Now, this school, as by turning to the early history of it in the records, you will find, was founded many years ago. Practically, it was opened in 1848, when an address was delivered by the late Governor Emory Washburn, on its dedication. At that time the school was considered an experiment. The idea of it had grown from what is known as the Farm School on Thompson's Island. Mr. Theodore Lyman, who was connected with it, sought to enlarge the benefits of that school by establishing in the State a place where boys might be sent by the courts, as a reformatory school for juvenile offenders. There was a good deal of discussion in regard to the school. Mr. Theodore Lyman, after the purchase of the land,

made a donation of \$10,000, and was very instrumental in having the school established. In a pamphlet, published in 1849, by the State, there is quite a history of the inquiries that were made by the commissioners; and the school grew as the result of their labors. It was first spoken of as a manual labor school. There is a portion of the correspondence in this pamphlet which has reference to the benefits of such a school; what should be its discipline; at what age boys should be sent there; how long they should be kept there; and what should be the course of their employment or instruction while there? It seems to have been very carefully considered. As a result of it, there seems to have been a very unanimous opinion at that time that there should not be sent to that school those who were of mature age, and that they should not be sent there above the age of 14 years. It was said in this report that one bad boy, a boy of mature years, given to viciousness, could do more to harm the boys who might otherwise reform, than the institution benefit him. There seems to have been great caution taken to find out how best to classify the boys so that they might be relieved from the pernicious influences of vicious boys, and there seems to have been every possible opinion concerning how that should be done. Some who discussed the question thought that only a certain class of boys should be sent there, and whatever the age, unless there was a hope of reform, he should not be sent there. But, practically, it came to be found that classification could not be made by the courts, and therefore the classification must be with reference to age. After that matter had been considered, it was finally decided to send boys there only up to the age of 14 years, and to commit them for their minority.

It was early decided not to have a very large number there—perhaps never to exceed 300—at one time. Then, of course, there was a discussion as to the best manner of taking care of them while there. What should be the influences thrown about them? What should be the reformatory character of the institution? What should be their occupation while there, and what should be the means and the methods of discipline while they should be under the care of the State? It was felt that the State should stand in the place of the parent, and that the State should have the right to exercise the same authority and influences which the parent may exercise, and that, as far as possible, the State should stand in the place of the parent for these unfortunate boys, and give them the benefit of good instruction, good influences, good training, and good examples, such as are furnished to most boys at home, but which these boys seem to have been deprived of as a rule. That seems to have been the general purpose of the school. Mr. Lyman expressed himself

fully. Mr. Simon Greenleaf, still an honored name in this Commonwealth, gave his views. Then, there was Mr. Blanchard, of Philadelphia, who had authority in a similar institution there, and who gave his opinion; and there are various letters, published at that time, giving to the commissioners to whom the work of starting the school was committed, the opinion of various parties interested in the subject. The boys were committed for various offences to this or the nautical branch of the school, up to the age of 17 years; and where they were offenders above that age, they were sent to some house of correction, if the offence was one calling for action by the courts. They were sent to this school if they were not over 14 years of age. The nautical school was abolished, and those boys were thrown upon the school at Westborough. The nautical school boys had been committed between the ages of 14 and 17 years, the better portion of them had been weeded out, and when they were thrown upon this school their influence was anything but good. At that time, this school had only the old buildings which were first constructed, and which remained after the fire. Thus they were brought together in the workshop, on the playground, and upon the farm. Now, I think we shall all agree, there was never a greater mistake made. This school was never intended for such a class of boys; they were, for a long time, expressly excluded by law. This was not the place for them, nor the place intended for them by the Commonwealth. But they seem to have been sent there by one of those makeshifts of legislation, the result of a short-sighted policy, or an attempt to get rid of some duty, which never results in good. There was the mistake of the Legislature. At that time, they ought to have grappled with the subject, and fairly considered it. But the Legislature said, "We discharge our duty by sending them to the Reform School." But they did not discharge it, but avoided it. It was as if they had told you and me to have taken them into our places of business or our homes. It was not the place for them; but the Legislature adopted this short-sighted policy, and the boys went there. Then they increased the age at which they might be committed to 17 years. What was the result? It changed the character of the institution, so that one of the old trustees when he went up there said he hardly recognized it as the institution with which he was formerly connected as trustee. Of course, you are not responsible for that, but the Legislature of Massachusetts is. When these boys were thrown upon this school, the institution was used for a purpose for which it was never established. There was a perversion of the money which Mr. Lyman gave; there was a perversion of the purpose for which the school was established, by the Legislature of Massachusetts. This was wrong. What has been

the result? They have sought to maintain the institution by strengthening the buildings, in one form and another, saying to the officers, "You must preserve discipline; we will give you more barred windows; we will give you more cells; we will give you means of putting greater restraint upon these boys; we will make it more and more like a house of correction." And so, gradually, there has been growing at that institution a high wall of restraint that finally has fallen of its own weight. And this institution has now become more of a penal than a reformatory institution; more an institution for punishing criminals, than a place of reform for boys.

Well, now, what has been the result? The outbreak of last winter was more the result of a feeling that the new building was in a certain sense to be a prison. If they had been sentenced to the house of correction, they felt they would have had a short term to serve, and then be released; but in this new building they would be prisoners during their minority; and this idea grew until the riot of last winter was the result.

On turning to the laws of the Commonwealth, we find what are the duties of the trustees of the State Reform School [reads]:—

"SECT. 4. They shall take charge of the general interests of the institution; see that its affairs are conducted in accordance with the requirements of the legislature and such by-laws as the board may from time to time adopt, and that strict discipline is maintained therein; provide employment for the inmates and bind them out, discharge or remand them as herein provided; appoint a superintendent, steward, teacher or teachers, and such other officers as in their judgment the wants of the institution may require, and prescribe their duties; exercise a vigilant supervision over the institution, its officers and inmates; remove such officers at pleasure and appoint others in their stead; and determine the salaries to be paid to the officers, subject in all cases to the approval of the governor and council. The by-laws may be amended by the assent of five trustees at a legal meeting; but no alteration shall be valid until approved by the governor and council.

"SECT. 5. They shall cause the boys under their charge to be instructed in piety and morality, and in such branches of useful knowledge as are adapted to their age and capacity; and in some regular course of labor, either mechanical, manufacturing, agricultural or horticultural, or a combination of these as is best suited to their age, strength, disposition and capacity; and in such other arts and trades as may seem best adapted to secure the reformation, amendment, and future benefit of the boys."

Now, the practical question you have to consider, is, How are you going to maintain that discipline? I suppose that whatever individual opinions we may have upon this question, we shall all agree

that some of the forms of punishment which have been adopted there in the past must be adopted there in the future in order to preserve discipline. I believe there has been no one, however visionary, upon the stand, that does not admit that there must be in the hands of the officers of that institution some means of punishment; that they must have authority; that there are times when it must be exercised. The question is, What form of punishment will you have? You have the solitary, the lodge, the strait-jacket, the box, water, and whipping. Take them in their order, and you can bring up objections to every one of them. Let any one of them be adopted, and within five years there will be a cry against it.

Early in the history of the institution the solitary was adopted, and there came up such an outcry against it that the institution was revolutionized. It was found to be for those boys, whatever it may be in the state prison, one of the worst forms of punishment that ever was devised. It engendered habits that tended to break down the boys, and it always will do that. You go and inquire of medical experts, and talk with men who have had observation in this matter, and they will tell you that for boys in that institution there is no punishment that is more injudicious than the solitary. Whatever its influence in the state prison, whatever its effect upon grown-up men who have habits of self-control and will exercise their own judgment, for boys, from 14 to 21 years of age, there is no punishment which a humane man would not sooner resort to. There have been instances of confinement in solitary which at one time caused an outcry in this Commonwealth of which this is but a faint echo.

Mr. WASHBURN. In solitary you combine isolation with darkness?

Mr. HYDE. I mean where a boy is entirely isolated by himself, and is confined in darkness and fed on bread and water. The solitary, as I am informed, requires, even in the state prison, that the hospital should be close at hand.

Mr. ALLEN. Mr. Haynes, the warden of the state prison, testified that, in all his experience of 14 years, he never knew of a single case of that kind.

Mr. HYDE. I do not care what Mr. Haynes or anybody else says upon that question. If you will go there, you will find the hospital is the adjunct of the solitary.

Mr. SANBORN. It was testified to that boys in the lodge also received hospital treatment in order to prevent sickness. Do you refer to such cases as that?

Mr. HYDE. No, I mean you go to the state prison and see what proportion of the men go to the hospital after they have been three

or four days in solitary. Of course there is nothing that breaks the will of a man like the solitary. You put a man in a dark cell, stone on all sides of him, give him nothing to sit or lay upon during the day, feed him once a day on bread and water, and shove in a board or plank at night for him to sleep upon, and there is no man you cannot subdue; but when you subdue him, you break his spirit and his will. The solitary may be used to advantage in the state prison, but if you apply it to juvenile offenders, you establish a punishment worse than all the others.

Then take the lodge, and what do you find it? It is a means of detention. It prevents a boy from doing mischief for the time being; but under the system in which it is used there, what is it? Why, it consists of a number of small rooms or cells with doors opening into a larger room. Boys put into it have an opportunity for conversation, their cells opening into one room. These cells are well ventilated.

Mr. ALLEN. But there is no bed.

Mr. HYDE. Yes, there is, which lets down so they can sit upon it, in every one of these cells, as I understand it. Suppose you put a boy in there who is tired of working in the shop, he would as lief go there as not. He cannot talk in the shop, but here are three or four other boys with whom he can talk. It is not this class of punishment that accomplishes much.

Take the dormitories, which are their sleeping-rooms, of limited size; they cannot be really regarded as places of punishment.

Then you come to the strait-jacket, which keeps the body in an uncomfortable position, but it cannot injure a boy. A boy is put into the strait-jacket, and because of the constraint and uncomfortableness of the position he will try not to be placed there again. It is just that reason that keeps a great many of these boys from repeating their offence, and it is the only thing that deters them from certain mischief. Why, the whole principle of the institution in one sense is, to put these boys where they shall not be allowed to injure the community, and where they shall find it uncomfortable. One of the means of reformation held out to these boys, and one of the strongest, is the hope of getting out of this institution. This is, and always has been, one of the most effective means at the state prison, the reduction of sentence for good behavior. This desire of a boy to get out is one of the best sources of reform. Therefore, when you apply the strait-jacket, you only apply a larger degree of restraint which the institution itself employs in its very organic purpose.

You then come to the box, about which a great deal has been said. It has been characterized as a sweat-box. Well, gentlemen,

when you speak of the box as a sweat-box, as I understand the sweat-box to have been in the navy, it is not such a box. As a form of punishment, it is a modification of the strait-jacket; but if there is a popular prejudice against it, let it be abolished. Nobody cares for the box; nobody stands in that position; although I confess as I looked at it, and found a boy in it who came out and talked with me, it did not seem to me that it is one of those things that could be called an instrument of torture, but a box of constraint. But if there is a feeling that it ought to be removed, nobody cares for it; it is the pet idea of no one. It is one of those things in the form of discipline which the Legislature has forced upon the school by forcing a class of boys there that must be restrained; but if anybody has any great objection to it, let it be abolished. It is a matter of no great concern, one way or the other. It is really nothing but a wooden strait-jacket; that is the whole of it. Some of the boys have sought to exaggerate the fact that boys have been taken out from that perspiring. Well, the question of perspiring is no criterion of suffering. At this moment I am in a free perspiration from the little effort of speaking. Now, how many boys have you found who have perspired in that box? I believe there have been two or three. Now, you saw the box, and you saw there was nothing in its construction or use to produce perspiration. It is simply a punishment by standing in one position. I should think it would rather check perspiration, than otherwise. You can see how a boy up there on a hot summer day might perspire; not because of the box, however.

Then you come to the other mode of punishment, whipping. Now, there has been one form of whipping in the institution which I do not approve of. I do not believe in removing any portion of the clothing of a boy before whipping him. I think it is a mistake; I think it is a form of punishment that ought to be abolished, and I have no question it will be. I think there are means of applying the strap or stick to accomplish all the purposes which a whipping can be desired to accomplish, without exposing the boy's person. My judgment is, that, with the class of boys there, the removal of clothes ought to be abolished and done away with. I am frank to say that that method of punishment—namely, whipping upon the exposed person—does not meet my approval, and I have no doubt it will disappear from the institution.

Then, when you have gone through them all, there is not one of them you cannot raise an objection; to there is not one that some people would not object to.

The CHAIRMAN. You wish us to understand you to object to the the removal of clothing entirely; is that what you refer to now?

Mr. HYDE. Precisely. What I mean is, that you can inflict all the punishment that is necessary upon the hand, or other portions of the body, without the removal of clothing. Some people will say, let all punishments be abolished. In other words, they would not have any punishment, but would let the school run riot. There is a class of people in the community, whom you may call sentimentalists, who, whatever you may do, oppose any form of punishment, and who busy themselves in that way. I confess I have no sympathy with such people. I believe the boys are generally susceptible of reform, and that kindness wins rather than severity. But, on the other hand, there are times when somebody must be master, and the ship goes down in the storm unless you give the officers authority to enforce obedience. There are times when somebody must have the power, and exercise it. You cannot preserve an institution of that kind, you cannot protect the community, without having, in the hands of somebody, means of preserving or maintaining discipline. It is useless to talk about it. Why, it is said that whipping is bad, that the solitary is bad, that water is bad, that the lodge is bad, that the strait-jacket is bad. Well, all of them are bad, there is no doubt about it; but it would not be inflicted upon any one if he did right, and the community has the right to be protected from a certain class of men and boys, and the Commonwealth has a right in its schools to enforce obedience to reasonable rules and regulations. There is a certain sentimentality that is in sympathy with criminals, and which begets sympathy with crime. Let this sympathy increase to a certain extent, and you have crime at a premium throughout the Commonwealth. I am not finding fault that this investigation became necessary; but the sheriffs of the Commonwealth, several of them, have told me that this has made more trouble in their institutions, through the newspapers, than anything that has occurred for a long time. But it is one of those things which cannot be avoided; and this institution, to-day, is in a condition that it is very difficult to maintain discipline there, because of this very investigation. Weaken the hands of all the men who have charge there, then they may let things run in an easy way, and some day or other you will be overwhelmed by some calamity at that school, at which the whole Commonwealth will stand aghast; then there will be a reaction that will call for severer discipline than has ever been adopted.

Now, if it is true that in the preservation of discipline some punishment is necessary, what punishment should be adopted and by whom administered? It must be in the hands of the men in authority there. For several years it has been in the hands of the trustees. It has been my good fortune for years, to have known a majority of

them personally, and if I were going through this Commonwealth to select a class of men whom I should specially recognize as humanitarians, as men of kindest sympathies, as men of wide experience, and men of humane tendencies, I could not pick out a board possessing those qualities more than this board does. If you know them personally, I know you will agree with me in this statement. I know whatever men have been there in the past or will be there in the future, there never has been a board of trustees of stronger feelings for humanity, with greater desires to benefit the boys, or purpose to treat kindly the inmates of the institution, than this present board of trustees.

Now, we will come to what were the allegations brought here in the first place, and let us see how far they have been sustained. The allegations brought here were brought here by Mr. Hinckley. Mr. Hinckley is not a man I ever saw before, and I do not know as I ever heard of him. He seems to have been one of those kind of men who are very willing to apply the rod as severely as any one when he was in charge, and when he goes out would create a hue and cry, and make false sympathy for himself by giving the impression that he objected to everything, when it turns out that he, himself, was one of those most frequently punishing.

Mr. SANBORN. The testimony does not show that; the testimony is to the contrary.

Mr. HYDE. I think it is not; but we have it here in the records, and the evidence is all in print.

I think, he said, in one of his first charges, that Joseph Watson had beefsteak applied to his back. Now, there is not a particle or scintilla of evidence, there is not a boy, however swift he has desired to be, who has testified that any beefsteak was applied to any person. There is not a scintilla of evidence to that effect.

Now, take the boy Watson. He was called by Mr. Wheatley into Mr. Bigelow's room, not for the purpose of punishment. He had concealed on his person what in law is called a dangerous weapon, a long, sharp awl, which could be easily used in taking life; without provocation he made an assault on the officer. Well, what did the officer do? What you, or I, or any other man would have done under the same circumstances. He defended himself. Another officer coming in and seeing the situation, knocked the boy down. It was no punishment at all. It was self-defence from an assault with a dangerous weapon. Watson did get hit, perhaps upon the face; but what else would you do? Would you ask a man to go into an institution of that kind, and when a boy came at him with a deadly weapon like that, fold his hands behind his back and quietly submit to have his life taken in the school-room? Therefore, as far as this

boy is concerned there is no member of the Committee who can find fault with his treatment on that occasion.

Mr. PRESCOTT. Excuse me.

Mr. HYDE. Certainly.

Mr. PRESCOTT. But the testimony on the other side, on the part of two or three boys who were in the shop at the time, was that the Watson boy came into the shop with his head bruised and covered with blood, and that at that time he got the awl.

Mr. HYDE. The testimony was exactly this: Mr. Wheatley was alone in the room with the boy—the boy had not been punished—but had been asked what he had in his pocket; he then suddenly drew forth this awl and assaulted Mr. Wheatley. Mr. Bigelow came in and saw him and knocked him down. These two men swear that he had an awl in that room and the boys in the shop say he afterwards came into the shop to get an awl; but the fact that he attempted to obtain another awl does not disprove the fact that he had the first awl and sought to take the life of the officer. Certain boys testify they heard he did not have any awl until he ran into the shop. Watson is not produced; and the two officers say he had the awl when in Mr. Bigelow's room. Therefore, it was simply a case of an officer acting in self-defence while in the discharge of his duty, and that is all you can make of it.

Now, we come to the boy Gartland. It seems that the boy Gartland ran away twice, and that he was not severely punished. The whole punishment, as given by Mr. Rice, was not severe. The boy seems to have been unfortunate, and seems to have been addicted to unfortunate habits. He seems to have been of a melancholy disposition, and in one of these fits of melancholy, which appear so often in life,—after reaching a certain condition physically,—he became gloomy and melancholy, and took his own life. His death, of course, every one regrets. It is a regret that any man finds himself so circumstanced, or finds his mental condition such, that he seeks to take his own life. But when you look at the testimony of that case, I do not see, nor do I believe this Committee believes, that the institution is responsible for that death. There are no circumstances about this boy's punishment, or in connection with it, that would have led any person to have apprehended any such result, or which would allow you to suppose that such a result would reasonably follow.

Hinckley then goes on to speak of Goss, Turner, and Quinn; but the fact is, two of them were not at the institution at the time he speaks of. It seems that one of these boys was sent to the house of correction. They seem to belong to a class of boys that you have a very difficult problem to know what to do with. I confess

when I read in the morning, without having any particular knowledge of this institution, of the way that riot was quelled, and when, subsequently, I learned the extent which it had taken, it seemed to me that the application of water was a novel, ingenious and safe method of breaking up a riot. Here was this large class of boys in a large room, smashing the furniture all to pieces, and throwing anything and everything at the heads of those who appeared to quell the disturbance; finally, without injuring anyone, cold water was poured upon them, and it seemed to me it was one of those things efficient and harmless, and just the sort of a thing to do.

Mr. SANBORN. We never have raised any question there, sir.

Mr. HYDE. Well, then comes the question, which is the next one, about administering water to some of the boys in the lodge. What are you going to do if you have some boys who have been making you trouble and you have put them in the lodge as a means of punishment. There they are. They "raise" in the lodge so you cannot get along with them and what are you going to do? If you do not put them in the strait-jacket nor in the box nor whip them, what are you going to do with them? Are you going to let them manage the institution? Are you going to allow them to disturb the Sabbath services in the chapel? You have the boys in the lodge and you have them where you can do with them anything you please; but they will not stop. I confess, if you have the boys in such a state that they will persist in carrying out their idea and will not stop, then you must use some expedient.

Mr. SANBORN. The testimony is that they did stop before this punishment was inflicted.

Mr. HYDE. These boys stopped only to start again. I never heard of a man's screaming hours, without stopping once; he always stops a little once in a while, so as to take a fresh start.

Mr. SANBORN. Did they stop before the water was applied?

Mr. HYDE. There had been no stop or any good behavior; but the whole evidence is that these boys were riotous in the lodge. They had been placed there for bad conduct and became riotous while there. Now, what would Mr. Sanborn do with them? I suppose he would have gone down and read them some of the psalms; I suppose he would have had a singing school with them and that is the remedy he would have applied; but I fear that a boy who, on the Sabbath day, will disturb public worship, would hardly yield to the persuasive influences of Mr. Sanborn. But, hereafter, in the case of a disturbance, I would recommend the sending for Mr. Sanborn wherever he may be and bring him up there. My recommendation is to send for him, and let him, by all the moral powers he possesses or by any other power he may have, quiet the

boys; and if he succeeds in quelling them and inaugurating a reform in the morals of that class of boys, then I will say God speed, and will sign a petition that he shall be made superintendent for years to come.

Mr. SANBORN. I think it is the custom, in our Baptist churches, always to question the parties before they are baptized. I would like to ask if that preliminary form was not omitted in this case?

Mr. HYDE. When you take charge you can consult them if you like.

We come next to the charge as to the boy Fitz-Gibbons. And what are the facts about that? I was not present the morning that Mrs. Moore testified, but I have looked over the testimony. It seems she is a lady there, somewhat advanced in years, against whom no one has any hard feelings, but she is the friend of every one of these boys. And yet, two of these boys make an assault upon her to obtain her keys. If two such boys were to make such an assault upon one of our own families in that way, I ask any gentleman in this room what he would have done. What would you have done if you had found your wife or mother lying upon the floor, and one of these great boys upon her trying to gag her? But what was done? Had they any malice towards her? Not any. Had she treated them harshly? In no way. Had she done anything to incur their displeasure? Nothing. What then? They simply wanted to escape; they simply wanted to exercise the same spirit of lawlessness and violence which, perhaps, had sent them to the institution. And so they attempted to get her keys. What was done? An officer ran in and took the keys away from them. Fitz-Gibbons was taken by the superintendent and whipped. Was it any more than he deserved? No. You have heard the story of the superintendent. Why, he did not receive half what you or I would have inflicted had he done that to one of our family. But still that was one of the things that Mr. Hinckley called brutal and terrible. The boy Jones was sent to the house of correction and, according to Sheriff Sprague, will probably complete his days in prison, or end them upon the gallows. And that is one of the boys that the Commonwealth sent to this school.

These, in substance, were the charges. There has been a complete refutation of these charges, and a complete justification of the officers and their conduct.

We now come to the question in regard to punishments. Consider the testimony of these boys, and remember the circumstances under which they testified. Here is a class of boys of the very age when liberty is sweet, at the very time when restraint is irksome; a class of boys who might be supposed to have some imaginary wrongs

perpetrated by some officer. Then here is a Committee of the Legislature, with all its power in visiting that institution to bring those boys before it, and say, you shall be protected in opening your mouths and saying anything you see fit to say, about the school and the officials in charge, giving them the utmost liberty and license to tell anything and everything. Now when we went there that day and heard those boys testify, taking their testimony as a whole, speaking as they did of the officers, and of their own conduct and the punishments they had received, I confess I came away from the institution that night feeling a stronger confidence in it than I had at any previous time. The testimony made a marked impression on my mind in favor of that institution, as to its government and general management. Then again we must remember that when you ask a class of boys like these to tell their story, when you take a criminal who is restrained of his liberty and allow him to state his own story in his own way, and perhaps one of the vices he has been guilty of is falsehood, when you take the evidence of such a class to base a case upon, you depend upon a slender reed. Take some of this testimony, and apply it practically. Mind you, I do not make the charge, but how easy upon the testimony of some of these boys, to charge that Mr. Allen, by the use of money sought to suborn witnesses, sought to bring them here, and sought to induce them to testify against the institution for the sake of making a case; that he paid money for that purpose, and hunted over the Commonwealth for boys, and paid them money to come here. Now does anybody believe that he did that.

MR. ALLEN. Mr. Hyde, you know that is not true.

MR. HYDE. I know it is not, but I say it might be stated from their testimony; and the same sort of testimony which would authorize that charge against Mr. Allen, which nobody believes, is used to prove charges against the institution. Now, would you say it was fair to allow the character and high standing of a man in this community to be judged by such testimony as that? And yet the same sort of testimony is used against the institution and the officers in charge of it.

Now, there is a certain class of facts in regard to that institution which nobody denies; there are certain facts that are admitted. Nobody believes the boy who said he had received 150 blows at one time. There has been whipping there; there has been the box, the strait-jacket, the application of water, and the lodge, and you have the whole story. Nobody believes you have not had a fair opportunity to know what has been going on there, and that you have not substantially the facts in regard to the institution. Now, gentlemen, it is very easy to find fault; it is very easy to say I

would have done better than that man did; but the circumstances of each case cannot be represented or portrayed here. But after all the whole thing comes back to this: What are you as legislators going to do? Are you going to abolish the school? No; nobody believes in that remedy; everybody believes there is good to come out of such an institution. On the whole, the influence of the institution has been good. Now, what are you going to do? What course are you going to recommend that shall be a benefit to the institution and to the Commonwealth? Well, Mr. Allen proposed a bill, and I have looked at it. It provides that there shall be a record kept of the punishments, and that there shall be regular by-laws determining the punishments of the institution. I agree with that. I think it is proper. I think there is always a tendency, when you give power to a man in any relation of life, to exercise it freely, and nobody can object to any reasonable checks on the too free exercise of power. There is a clause in the bill making the violation of the rules of the institution penal. Now, my judgment is against making such a violation of rules or regulations a penal offence. This authority is to be exercised at discretion, and you should be slow to apply criminal statutes to matters which are not criminal *per se*. They always re-act, and never accomplish the intended results. I suppose that if an officer makes an assault upon a young man there, or administers such punishment that is not within the exercise of a reasonable discretion, he is liable under the law now, and always will be; but I think it unwise to say that discipline shall be maintained there, and yet if any officer breaks over the by-laws in the matter of discipline, he shall be liable to a criminal prosecution. I think it will be found to be a great mistake. I do not believe it will work to advantage in such an institution. Of course, if an officer abuses his authority, he can be held accountable; but that the violation of a rule shall be made a criminal offence, I do not believe is wise legislation. The board of trustees must enforce their rules, and discretion must be left with them.

Now, again, the trustees ask you and have persisted in asking you for years, that the age at which boys may be committed there may be reduced. They say if a boy is there three or four years they have done him good if they can at all, and if they cannot benefit him in that time there is little hope of doing it afterwards. Therefore, they have asked you to restrict the time of commitment from 14 or 15 to 18 years. I think the prayer of the trustees is a wise one, that these larger boys should be removed. Those who have proved incorrigible ought not to remain at the school, but they should be sent away. Now, how shall that be done? By sending them to Bridgewater? But Bridgewater is really no place for that

class of boys. It is not an institution adapted to their management. I should like to see the experiment tried of passing a law by which the governor and the board of trustees should have power, when a boy has proved incorrigible, to send him to the house of correction.

Now, you will ask the question whether that can be legally done. I do not know that it can. It raises a very grave legal question. I think it would be a good thing if it could be done. Perhaps it would be proper to give such authority to the governor and the board of state charities, or the board of trustees; but whatever provision is made, it should be carefully guarded. It is admitted that the institution should have an opportunity to relieve itself, and if the proper guards were thrown about it, I do not know but it would be a good thing to give that power to the governor.

Mr. WASHBURN. You do not have much confidence in it?

Mr. HYDE. I should have grave doubts about it.

Mr. WASHBURN. I should have grave doubts.

Mr. HYDE. I do not know how we can have it settled. If it could be done it would be a good thing for the boys that remain. Under the present law, a boy may be removed either to Bridgewater or Monson. Now, can the law go one step further and remove the boy to the house of correction? That is the question, and should such a law be passed, it will require to be tested before the supreme court.

Mr. SANBORN. Those matters have never been questioned.

Mr. WASHBURN. An obvious distinction is raised at this point.

Mr. HYDE. Now, is that a distinction that is valid?—that is, can the authority which sentences a boy to the Reform School during his minority, on the suggestion of the governor, remove him to Bridgewater or Monson, simply because, in the judgment of the authorities, he ought to go there because they cannot take care of him at Westborough? If you can change him to one institution can you change him to the house of correction? That is the question.

Now, there have been some instances of this kind. When the institution at Westborough was burned down, there were three or four hundred boys on the hands of the trustees. What should be done with them? Should they be turned loose on the Commonwealth? As far as possible, a liberal construction was placed upon the law, some were allowed to go elsewhere, and some were released; and in other instances the governor took the authority and removed them to the house of correction. Of course it was an emergency, and the authority was exercised as a sort of inherent right of the governor of the Commonwealth.

The same emergency might arise, if the state prison were burned down to-morrow.

I do not feel confident that it can be done; and, if such a law were passed, it should be tested at once, for nobody would want to act under it freely until the courts had passed upon it.

There are some boys there now that the trustees would be glad to have sent to the house of correction.

I have but a few words more. I have sought to look over the institution fairly. I have made a great many inquiries in regard to its history and management, and I might have brought you testimony occupying two or three weeks longer, and tried the patience of the Committee, but I have not thought it necessary to do so.

I have tried to compare the institution as it is with its former history and management, and I think I am justified in saying that the school, in its general prosperity, in the general healthfulness, good spirit and condition of the boys, and in the careful exercise of superintendence, and in all those things which make up the general welfare of such an institution, is as well ordered an establishment as there is; that it has never been in a better or higher condition of service than it is to-day.

The only question raised is that of discipline. I have not heard from one person, of all those whom I have met upon the street and talked with; of all those who have come here; of the members of this Committee and of the Legislature, any complaint about this school, except in regard to its discipline.

Gentlemen, consider for a moment what the trustees have had to do. The Legislature abolished the school ships and sent the boys to Westborough; they raised the age of commitment, and increased the size of the inmates until one of the trustees said he did not know the school when he went there.

You ordered the erection of the new part, and left the superintendent, with all his other duties to take care of that. You gave him the care of this criminal class which ought never to have been there; you gave him the charge of the construction of the new building and the care of all those grounds. Look at the responsibility and labor you put upon that superintendent. Put yourself in his place; go there and take all those duties upon yourself, with all this labor to perform, and say, gentlemen, if you believe that any one of you could have that school in better efficiency; that you would have served the Commonwealth more faithfully; that you would have constructed the buildings more economically; that you would have had the health, clothing of the boys, and general spirit of cheerfulness in the whole institution, in better condition and rendering better service to the Commonwealth than has been rendered during the past two years under its present management.

Mr. HYDE took his seat and Mr. ALLEN was about to begin his argument, when Mr. HYDE added :—

Mr. Chairman, I might be misunderstood if I do not refer to the punishment by Rawson. Of course you understand that nobody approves of that, and he has been discharged. It is one of those things which are liable to occur in any institution where a good many are employed.

I am frank to say, that I believe the power to inflict corporal punishment should be restricted. I do not believe it is wise to leave the chance of an abuse of that power open to so many persons. My own idea is that there should be a superintendent who would have general charge of the affairs of the institution; and there should also be—whatever he may be called—a man who should have charge of the educational portion of it; that he who has charge of the educational department should always be at the institution; that it should always be his duty to come in contact with the boys, and that discipline should be left to his judgment and that of the superintendent, and, perhaps, that of one or two others, and that the trustees should have such regulations and by-laws.

I will not say it has been forced upon them; but one of the difficulties the trustees have labored under, is the want of a sufficient appropriation. They believe, as a rule, as has been said, that there has been too much punishment. I believe, as a general rule, that the best teachers punish least.

Mr. ALLEN. I do believe Massachusetts can afford to employ teachers who can get along with much less punishment than has been administered here.

Mr. HYDE. I certainly think so, too. I think we should have that class. I do not mean to reflect upon the men who are now there; but I mean that Massachusetts ought to have first-class men in every respect, and she ought to pay a fair price for that service.

In our public schools corporal punishment has largely disappeared, and in the city of Boston, punishment, to any extent, has disappeared. But what has taken the place of it? The moment a lad in a public school so conducts himself that punishment is necessary, he is dismissed from the school. Then the question arises, whether it is wise to turn a boy into the street, who, for want of a little discipline, would reform.

In the Westborough school, the boy must be retained there by law. They have him in charge, and they must keep him, no matter how he behaves, unless the authority to remove him is given by the Commonwealth.

ARGUMENT OF STILLMAN B. ALLEN OF BOSTON.

Mr. Chairman and Gentlemen of the Committee :

The question, What shall be done with the criminal class? is one of the most important which can come before the Legislature. The whole number of criminals in Massachusetts is comparatively small. Of these, a large proportion may be called occasional criminals, or those who go astray but once, or seldom, or from some sudden impulse, or under some overpowering temptation. Another large class commit crimes while under the influence of intoxicating liquors which they would never do if sober; others, and a comparatively small number, are incorrigible criminals, who spend a large portion of their lives in prisons.

Aside from all moral considerations, these criminals of all classes are a heavy burden to the Commonwealth. It is to them we owe the immense expense of all police and peace officers, the cost and maintenance of all criminal courts, with judges, juries, and witnesses, and all jails, houses of correction, and penitentiaries, with their hosts of officers and attendants, to say nothing of the amount of property stolen and destroyed by them. The ultimate cost to the State of each confirmed criminal, for arrests, witnesses, trials, support in prison, again and again, is very great.

The ranks of these bad men are recruited from the young. It is seldom that a young man who has led an upright and virtuous life until he reaches his majority goes widely astray afterward. But we have a large class of boys from twelve to eighteen years of age, many of them fatherless,—others worse than orphans,—from whom the State has much to fear. Any reasonable amount of money, of time, of Christian labor, expended upon this class which results in the saving of a single one from the road to ruin, is well invested and richly rewarded.

The State Reform School at Westborough was intended as one of the means of staying the downward career of these bad boys, and the question of its management is now before us.

Our common schools, Sunday schools, mission schools, and churches are constantly reaching out their hands and helping many

and saving some of this class ; but when these boys have committed some overt act of crime, then, for the first time, the law can reach them ; and when it is no longer safe to leave them at liberty, they must be forcibly restrained. A prison and contact with prisoners would harden them ; and benevolent men—the State kindly aiding—provided this Reform School, where they can be taught something of books, something of labor, and something of honesty and good behavior.

Everything depends upon how this institution is managed. As in all schools, discipline here is a matter of the highest importance. These boys, naturally turbulent, must be controlled by a firm, steady hand. Good order must be maintained and enforced ; and the question is, How this can be done ?

When this Committee first reported that some punishments there had been injudicious and unnecessarily severe, and that a proper record of the same had not in all cases been kept, I introduced in the House of Representatives a bill which substantially provided that no punishment should be inflicted in any manner, except that which should be prescribed in writing by the trustees, and that a record of the same should be carefully kept. I thought then that this would be sufficient to meet the evil. I fear now that it will not be, and the question arises whether the institution cannot be, on the whole, better governed by the abolition of corporal punishment.

Let us see what has been done by others. Gideon Haynes, who was for fourteen years warden of the Massachusetts State Prison, and whose good discipline was everywhere commended, testified before this Committee, that, during all his term, he never used corporal punishment upon any of the prisoners in his care, many of whom were young ; and that he never had an officer assaulted, or any trouble, and that he did not believe that he could have maintained this discipline if flogging had been permitted.

John M. Clark, high sheriff of Suffolk County for many years, stated that he had had about 125,000 prisoners under his care, more than 70,000 of whom were under twenty years of age, and he never allowed one of them to be struck or punished in any way, except by temporary confinement in a solitary cell, which was not dark. Can we not learn something from him ?

Mr. Berry, keeper of the house of correction, who has had a great number of prisoners under his charge, many of whom were young, says corporal punishment is never permitted there, and he has no trouble in maintaining discipline.

Can this be done in a reform school ?

The trustees of the Maine State Reform School say in their report of this year :—

"We have been asked very frequently if our discipline is not excessively severe? And to answer this question we will remark, that among our inmates are some most hardened characters. We have boys sent to us who are guilty of crimes which, if they had been committed by persons only a few years older, would have brought a penalty of ten years, at least, in the state prison. We have lads who have shown attempts to destroy life; to burn buildings; to throw passenger trains from the track etc. And while under our care, there have been sundry manifestations on the part of a few of the most depraved, that convince us that constant watchfulness and a very even hand is needed. But, for all this, we have no cells in any building; we have nothing very mighty in the way of bolts and bars, and two of our play-yards can be scaled by any decent climber. In short, the punishment used is not more severe than that which is customary in our village schools. Whatever is deemed proper, we do not hesitate to apply. But all discipline is performed by our superintendent alone; no subordinate has any discretion in this, more than to report the case; and further, we have a book in which every case of punishment is recorded, showing the name of the boy, the nature of the offence, and the nature of the discipline. This record is open to all."

And the superintendent of the school, himself a teacher under Mr. Joseph A. Allen, a former superintendent of the Reform School at Westborough, says:—

"I took charge of this institution, nearly three years ago, with the assurance that the prison system would be abandoned as far as practicable, and one of government more in harmony with enlightened public sentiments substituted; that the school should be made what its founders designed it to be, not a prison for the punishment of juvenile offenders, but a home where they may be instructed in such branches of study as are taught in our public schools, and trained to habits of obedience and industry. To this end the cells into which the boys were locked every night were removed soon after I came here, and the boys now sleep in large, cheerful, well-ventilated apartments. We have endeavored to make all the rooms which the boys occupy as little suggestive of a prison and as cheerful and home-like as possible. The boys are graded according to deportment into three classes. The first class consists of those boys who behave well, and are considered trusty; the second class, of those who, though not trusty, are trying to become so; the third class, of those vicious boys who make little or no effort for moral improvement."

And I am informed, Mr. Chairman, that no boy there can be punished unless he is in the third class. Every boy who goes into the institution is put into the second class; if he does well he goes into the first class; if he does ill he goes into the third class, and there only can he be punished. The superintendent says further:—

"We endeavor to secure good behavior by appealing to the higher nature of the boys, and showing them that good conduct and cheerful

obedience are appreciated and rewarded. Our class now consists of 80 boys (out of a total of 142). All the boys of this grade, more than one-half the school, celebrated the anniversary of our national independence by spending the day in the city (of Portland); and about 40 more were allowed to go to their homes, or the homes of their friends, and remain two days. A large number were allowed to visit their homes on Christmas and Thanksgiving days. Every one of these boys returned promptly to the school. By invitation of the president, these boys spent an afternoon at the fair of the State Agricultural Society, in August. They were marched to the grounds by one of their number, and permitted to visit all parts of the exhibition unattended by officers. Although several attempts were made, by outside parties, to induce them to violate trust and run away, every boy reported himself promptly at the appointed time, and all marched back to the school. It is by granting these privileges, and encouraging the boys in their good conduct, that we seek to make them feel that we have an interest in their welfare, and wish them to grow up to be honest men. The reformation of youth must be accomplished, not by crowding them down, but by lifting them up. We endeavor to make them feel that they have their fortune in their own hands, and by proper training and encouragement, lead them to cultivate such habits as will tend to the formation of good character."

Mr. HYDE. Do you know the ages of those boys there?

Mr. ALLEN. I do not; but I will ascertain, and inform the Committee.

Mr. SANBORN. They are very similar to our boys.

Mr. ALLEN. I think they are very similar in age to the boys at the Massachusetts school, ranging from fourteen to twenty-one.

Mr. HYDE. As ours were originally?

Mr. SANBORN. Very much as before 1873.

Mr. HYDE. Before the school-ship boys were sent there.

[Mr. Allen continued reading.]

"We have also labored, and, as we believe, successfully, to build up public opinion among the boys in favor of doing right. This current of public opinion, when understood and thoroughly maintained in the right direction, becomes a powerful agency for good; many a boy, we firmly believe, has been kept from doing evil and moved to do right by that influence."

"This is the first year that we have realized the full benefits of the changes made. The results have exceeded our expectations. We believe we can now obtain more cheerful obedience and better conduct, with less punishment, than was possible under the former system, and better fit the boys to become useful members of society. These changes met with much opposition. It was urged, and apparently with much truth, that the adoption of these changes, and extension of these privileges, would result in the escape of a great many boys. It is true, that when we permit seventy-five or a hundred boys to play by themselves, day after day, in a

yard surrounded only by a picket-fence; allow them to attend a picnic, and roam in the woods; or let a quarter part of the inmates go to their own homes, and remain there two days, we do so at the risk of losing some boys. Yet the records show that during the last year the number of escapes is less than it has been for ten years, and only about one-third the average for that time. We believe that placing boys on their honor cultivates the manly traits of their character, and makes them less likely to take advantage of the privileges afforded them. Still, we hardly expected that we could in this way so materially reduce the number of escapes."

I do not believe that Massachusetts boys are worse than those of other States, or that the boys at Westborough are worse than those in our jails, houses of correction, and state prison. For nearly seven years, from 1861 to 1867, while Mr. Joseph A. Allen (no relative or connection of mine, though bearing the same name) was superintendent of our Reform School, which had then about the same number of inmates as at present, corporal punishment existed there only in name, the sweat-box and strait-jacket and gag were unknown; for a whole year no boy was confined in the cells overnight, and for three months no boy was placed in one at all; and when a boy was put in one and was afraid, the superintendent himself stayed with him in the narrow, solitary cell all night long, thus sharing the punishment with him; and, if we can believe all reports, the school was never better managed. A member of a former committee on public charitable institutions, who frequently visited this school, warmly indorses the following statement made by a number of prominent citizens at about that time:—

"We can say that the deportment was unexceptionable; and this remark applies not only to the pupils in the school-room, but to them also in all the various relations in which we saw them. We remember no instance where interference was required to preserve order. No parent who has a son here need have a moment's anxious thought lest the physical, mental, and moral culture of his child should be neglected.

"To watch the countenances of these boys one would hardly think they were prisoners, and some of them snatched from the lowest depths of degradation. They seem rather to be children gathered in what is really a happy home. They have a cheerful air; their faces have the ruddy glow of high health; they move to their various duties with a quick and willing step; they are neatly dressed, and appear generally as do the sons of a well-regulated family. These results evidently spring not from any slavish fear. Nothing of the kind can be detected. They dread not the haughty frown or the cruel lash. While corporal punishment is not positively interdicted, its practice is almost unknown. It is as clear as noonday that there is a mightier influence at work here than fear can exert, and that the hand which guides the various movements of this complicated organism is a 'gentle hand.' If under such auspices the rough

natures that find refuge here cannot be softened, smoothed, and improved, we may well despair of reformation of them anywhere."

Some—I think all of you—know Mr. Allen to be a kind-hearted, Christian gentleman, but, unfortunately, he was not, ex-Trustee Ayres says, pious enough to satisfy the ruling element of the trustees. I don't know what that element is, and don't want to, for I fear I should hate it forever. What is the condition of things there now? You have heard the testimony, and I need not speak of its details. The strait-jacket and gag, young men stripped almost naked and flogged until marked, discolored, cut, and scarred; a stream of cold water from the steam-pump, and the horrible sweat-box,—all the old mediæval tortures revived, are of daily occurrence. About twenty men and ten women are authorized to use all these modes of torture *ad libitum*, without recourse to or the knowledge of the superintendent, each according to his own will and temper, and no record kept of their barbarities. There was a faint attempt at a monthly report, but nearly every teacher who testified said his own was not correct. The superintendent kept no record. The assistant superintendent, a brute, whom I would not trust with a yoke of oxen, kept none, and the clerk kept none.

I did not propose to allude to particular instances of cruelty, but as Mr. Hyde in his argument has spoken very fully of the various methods of punishment, I may be pardoned for calling attention to some points in the testimony on this particular. He speaks first of a stream of cold water.

Dr. Harvey, one of the trustees, says: "I know a stream of cold water was used, not to quell a riot, but as a punishment, at one time on seven boys." (Page 28.) "I heard of another case where it was used on a boy for stealing a skate-strap." (Page 45:)

Mr. Francis Hinckley, late master of the Peters House, says: "The boys had made a noise in the cells one Sunday after the service. The superintendent said to me, 'The boys have had their turn, now I will have mine.' The steam-pump was set going, and he turned the hose on them—same used for extinguishing fires. I suppose it was very powerful." (Page 81.)

Mr. Wm. S. Phillips, late assistant superintendent, says: "Saw the hose turned on the boy Crowley for assaulting an officer some weeks before. He must have suffered. He begged for mercy. The water was stopped when he retracted certain statements he had made." (Page 147.)

Mr. Leach Clark, keeper of lodge, says: "Think a stream of cold water one of the best things used at Westborough. It was a severe

punishment. Saw it turned on ten boys ; some of them had nothing on but their shirts. It was Sunday afternoon." (Page 311.)

Mr. Henry L. Chase, clerk of Reform School, says : " Saw the water put on to Longdon. Don't know how much he suffered. He 'hollered.'" Page (349.)

The Lombey boy says : " In December I told Mr. Shepherd a lie about a strap. Mr. Cummings kept the hose on me until I got on my knees and told the truth. I had nothing on but a shirt. Think the water was on me half an hour. I screamed and hollered." (Page 443.)

Mr. Hubbard, chairman of the trustees, says : " I approve having cold water from a force-pump played upon a boy in this institution as a punishment ! I would recommend it in any case I have known its being used." (Page 485.)

Mr. A. G. Shepherd, superintendent, says : " I have used as a punishment, water from the garden-hose, with a pipe a little over $\frac{1}{4}$ inch, and the engine-hose with a nozzle $\frac{1}{8}$ inch larger. The force is enough to throw water over the buildings." (Page 662.) " Five to fifteen minutes would cure any of the cases." (Page 668.)

The Sweat-Box.—The method of its use has been detailed to this Committee. A boy's hands are placed in two deep pockets in front ; some twenty straps fasten the canvas cover about his body, and other straps at his elbows, his legs, and his ankles, and leave him practically immovable ; then laid upon a bed with a leather strap buckled across his mouth, and left in that condition two days as immovable as a log, and then left three or four days longer after the strap is removed.

In regard to the sweat-box, of which my friend Hyde thinks so little, and I fear so much. It is an upright box above seven feet high, ten inches deep, and fourteen inches wide at the bottom, and seventeen inches wide at the top. The sides are movable, and pressed in with a kind of wedge. It is located in an attic, having but one skylight in the roof.

Dr. Harvey, one of the trustees, says : " In April, 1875, this was added, and every member of the board but one visited it." (Pages 17, 18.) " The trustees knew of this punishment, and sanctioned it." (Page 41.)

Mr. Francis Hinckley, late master of the Peters House, says : " The assistant superintendent told me in the presence of all the other officers, that it could be so compressed as to crush the boys' bones. He also told me he had seen a boy taken out after three hours, with hair dripping, and clothes saturated with perspiration. One officer said he had seen boys stagger on coming out. Another

said, in three or four cases, he had to take them out, and they dropped down."

Mr. Wm. S. Phillips, late assistant superintendent, says: "I saw a boy, Edward P. Redding, taken out. The sweat was dripping from his hair, and came through the shoulders of his jacket. I put him in; should say a hundred boys were put in within nine months. I have heard of boys being taken out in a fainting condition. Mr. Chase, the clerk, told me he had seen boys taken out fainting, and seen them drop on the floor. This was said at a meeting of the officers." (Pages 142, 143.) "I have heard of boys being sick there; Lombey was one. I knew there were many." (Page 145.) "Sometimes boards are placed inside to make it smaller. I have seen it done." (Page 176.) "Boards were put in when Lombey was there. Should think he was squeezed pretty tight." (Page 177.) "I happened to be up there one night at eleven, and found a boy in there." The poor boy had been forgotten by the superintendent.

Mr. HYDE. That was the night of the riot; they were all occupied otherwise up to that time, and it belonged to Mr. Phillips to remove that boy.

Mr. ALLEN. That was not in the testimony.

Mr. LOWE. It has never appeared before the Committee.

Mr. PRESCOTT. Yes it has. That happened the night of the riot.

Mr. ALLEN. If that was the fact, I did not know it before. The assistant superintendent further says: "Many are troubled with vomiting while in the box. Sometimes they clean up and then put them in again." (Page 180.) "Think I have known ten such cases; perhaps it happened because the atmosphere is so close there, perhaps from the torture." (Page 182.)

Mr. Leach Clark, keeper of the cells, says: "I have seen boys in the box ten and twelve hours a day that it seemed to have considerable effect upon. I have seen boys stagger when they came out. Some boys thought it was pretty hard." (Page 281.)

Mr. J. H. Rice, late teacher there, says: "I have seen boys taken out of the box stagger and limp, but after a step or two they went off all right." (Page 310.)

Mr. Henry L. Chase, clerk of the Reform School, says: "When boys are punished in the sweat-box no record is made of it." (Page 329.) "I have taken out boys where they dropped on the floor. I knew one boy to drop on the floor two or three times. His name was John D. Green. A boy is kept in that box until the officer thinks he is in a condition to do right. He uses his own judgment about the punishment." (Page 334.) "No record is kept of their

punishment by anybody." (Page 338.) "I have known one boy to vomit there." (Page 339.) "I never knew any visitor to the institution to be taken to the sweat-box." (Page 342.) "Boys from the trust houses are sometimes put in the box, but not often." (Page 346.)

Mrs. S. B. Moore, matron, says: "I have heard boys say they ached in the box; but they would rather go in the sweat-box than be whipped." (Page 410.)

Mr. Joseph A. Allen, former superintendent, from January, 1861, to 1867, says: "I should think the use of the sweat-box and other punishments would bring on a state of war between the officers and boys!" (Page 607.) "I could not use the sweat-box. If I did, I think the effect would be the boy would want to injure me if he could." (Page 619.) "The only punishment we had while I was there, was the Boston regulation of the rattan on the hand." (Page 604.) Question by Committee, "Are you a clergyman?" Answer, "No, sir. I have no religion to talk of." (Page 616.)

Mr. E. H. Hubbard, chairman of present trustees, says: "Q. Do you approve of the different modes of punishment in the institution? A. Yes, sir; I do!" (Page 487.)

Timothy McKenna, boy, says: "Was in the box from 10 o'clock to 6½. My hands were strapped behind me. When I came out, my hands were swelled to twice their usual size. I was put in for talking in the shop." (Page 224.) "I cried with pain after I had been in twenty minutes, and called for Mr. Scott, and he said, 'Shut up, or I will put a gag in your mouth.' I felt pain in my hands and wrists, and was numb when I came out." (Page 232.) This boy now works for A. K. Loring, publisher, on Washington Street, who certifies that he wants no better boy. (Page 236.)

Frank Cunningham, boy, says: "Was in the box half a day. My clothes were all wet through. When I got out I could hardly stand. I have seen boys with the calves of their legs all swelled up, and very weak for days." (Page 224.) "I told the officer before I went in that I would try to do better—that this was my first offence—that I would not do it any more. He said, 'Well, you have got to go in, anyhow.' After three or four hours my legs began to ache, and I did not think I could stand it much longer. I was taken out after five or six hours, in time for prayers. I have seen other boys who have been in with their legs all swollen up and black and blue, and the veins standing out so you could see them. They looked pale and sick. Goss was in there four days." (Pages 248, 249.)

Joseph Lombey, boy, says: "I was in the sweat-box a week, from six in the morning until night. Had one piece of bread and

some water morning and night; not so much bread as I wanted to eat. I sweat my shirt through. My hands were strapped behind me. I was sick and vomited in the box. Was taken out and made to wash it up, and then put in again."

Louis H. Otis, boy, says: "I saw a boy in the box; his face was covered with perspiration, and quite red." (Page 472.)

Thomas Daly, boy, says: "Have seen boys come out of the sweat-box. They got weak standing up all the time. They looked red." (Page 524.)

Elmer Lutz, boy, says: "I was put in the sweat-box an hour and fifteen minutes for whispering." (Page 539.)

George W. Bennett, boy, says: "I was put in the sweat-box last January for having the top button of my jacket unbuttoned. My neck was sore, and I could not help it." (Page 543.) "I was cold in the box. I had no dinner that day, and did not want any supper, because I was not hungry. I was put in again for two days about a month ago for talking in school. I felt sick after I had been in the box an hour; I felt tired and faint. After that I felt sick at the stomach. The next day it was better. I went to sleep that day between eleven and twelve, and that was the last I knew until I heard the bell ring." (Pages 545, 546.)

James McKay, boy, says: "I was put in the sweat-box. After about one hour you begin to feel dizzy and sick—cannot breathe much. It is very hot. I sweat a good deal. When I came out I staggered a little." (Page 554.)

Daniel Cowhey, boy, says: "I was in the sweat-box seven days, from, I think, half-past five in the morning to quarter-past six at night; had no dinner. You have a pain in your stomach all the time there; cannot breathe easily. I felt stiff and cold while in there. My hands were strapped behind me all the seven days, except one half-day." (Page 561.)

William Buchan, boy, says: "I was put in the sweat-box two days for putting my foot on the paint. I was not thinking of it, and my foot went on the paint and took it off. I was pressed in tightly." (Page 567.)

Theodore Johnson, boy, says: "I was put in the sweat-box three days in succession, five months ago, for hitting a boy in the kitchen. Had bread and water morning and night; no food at noon. My hands were strapped behind me; my hands were swelled. I was pressed in tightly; when I came out I could hardly walk. After one day there, I promised faithfully to be a good boy, but they put me in again. I could not walk so well as before for two days after I came out." (Pages 578, 579.) "I was sick in the box. There has

been so many boys there it makes a bad smell. I had no appetite for supper ; when I came out I could not eat." (Page 581.)

George Davis, boy, says : "I was put in the sweat-box three days for running away. The effect was a pain in my back." (Page 578.)

Cornelius Callahan, boy, says : "I was put in the sweat-box half a day for fetching out some bread to a boy who was under punishment, and a whole day for laughing at prayers." (Page 583.)

I will not trouble the Committee with more instances of these punishments, but I desire to say, Mr. Chairman, that the punishments themselves are of a character established years and years ago ; but what is more terrible, is the method of administering those punishments. You could step into that box, if it were made a little larger, and stand there for two, three or five minutes without any special pain if no boards were put in beside you ; so you could hold out your hand, as I hold mine out now, for five minutes without pain, but hold your hand out for an hour and the pain will be terrible ; stand in the box in one immovable, cramped position for the same length of time and the same result will follow.

I hasten now to speak of the floggings administered in this school.

Francis Hinckley, late master of the Peters House, says : "The assistant superintendent told me that he was informed by Mr. Chase, the clerk, that the boy Fitz-Gibbons was whipped by the superintendent, then by the clerk until he was tired, then whipped again, and after that by another person, all for the same offence." (Page 79). "I saw the boy Watson after he was punished. His head and face were severely bruised, and black and blue. The skin was broken in several places. I said to him, 'You have rather a bad look.' He answered, 'Yes ; they have almost killed me for nothing.' I saw a boy named Miller, when bathing. His back was severely marked from blows, and a great deal inflamed and swollen, from his shoulders nearly down to his hips. He had been flogged for swearing. This boy was 20 years old." (Pages 85, 86.) "My wife informed the assistant superintendent, Mr. Wood, that she saw two boys going out from dinner extend their hands as if intending to take a piece of meat. They did not take any. Mr. Wood took the boys to the barn and strapped them, naked. The boys were 16 to 17 years old. One of the boys showed marks. The skin was broken in four or five places. His back was marked a good deal all up and down." (Page 86.) "Mr. Rawson, a farm-hand, was sent to take charge of some boys. A complaint was made that two boys, Flynn and Sullivan, had whispered while at work. Rawson took the boys into the barn and flogged them with a harness-trace.

I examined them. I noticed the thin skin seemed to be taken off all the way up and down their backs. Small bits of outer skin were raised and hanging; Sullivan's back was more inflamed. The blows seemed heavier, but fewer. The second day I was before this committee, the boy Hector was punished by Mr. Rawson. Hector was monitor of my shop, and had the care of the boys and giving out the work. His age was about 20. He was a quiet boy—understood to be a feeble boy—a consumptive. Rawson punished him for the same offence as the others. He was stripped and punished with the same piece of trace, on his naked back. I found marks of very many blows upon his back and shoulder-blades." (Page 88.) "Then the floggings were very frequent. Sometimes a great many in a day." (Page 90.) "I think the boys in a great many cases were excessively punished, and needlessly and abusively so." (Page 93.) "The feelings of the officers seemed to me to be one of hatred and contempt for the boys. During six months I flogged 30 boys." (See Reports, pages 128, 129.) "I sometimes used a piece of rope instead of a strap; sometimes I hit him with a cane." (Page 131.)

Wm. S. Phillips, late assistant superintendent, says: "I knew Elmer Lutz was punished by the superintendent last January. I heard the punishment going on. I saw the marks afterwards. I should think about 25 blows were struck." (Pages 151 and 152.) "Mr. Chase, the clerk, told me the superintendent and some third party all punished Fitz-Gibbons. He said he punished the boy until he was tired, that he rested, and then continued the punishment, and during the latter part of the punishment the boy fainted." (Page 153.) "Mr. Wheatley once whipped a boy severely for swearing. I was in the adjoining room, and heard the boy's outcries. I judge he struck 60 blows." (Page 154.) "I saw the boy Sullivan, who had been punished by Mr. Wood. I saw the marks on the boy's back and body; apparently the first blows of the strap raised large blisters, and the succeeding blows had taken the blisters off, leaving the flesh raw." (Page 166.) "Another Sullivan boy was whipped by Mr. Wheatley. I heard a noise, and found Mr. Wheatley punishing this boy over the head, shoulders and face, with a horse-trace." (Page 167.) "I never made any report of any punishments inflicted by me." (Page 179.)

Mr. Leach Clark, lodge-keeper, says: "I would swear that my report gives exactly the number of blows I gave a boy." (Page 310.) "I remember that one day I gave Scanlon 40 severe blows. The same day, I gave Blaisdell 40 blows. This was my estimate of the number." (Page 312.)

Henry L. Chase, clerk of the Reform School, says: "During my

service of three years and nine months, no trustee ever spoke to me about punishments. About twenty-five male officers all inflicted punishments." (Page 341.)

Mr. Stephen Armitage, teacher, says: "I punished Otis, who was one of my best boys, with a strap in December, and again in January, for noisy conduct during singing." (Page 381.) In August last, I inflicted 117 blows on boys; in September, 78; in October, 96; in November, 123; and in December, 102. I formerly used a round strap, and a large rubber strap. I have punished a boy's back with his jacket off." (Pages 358, 359.) "One day, Mr. Phillips, the assistant superintendent, came down from prayers, and asked me if I heard any humming in the second school. I said I did not. He said he did, and he would give five dollars apiece to lick four of the damn rascals." (Page 364.) "The superintendent frequently told me to use the strap, the box and the lodge as I saw fit." (Page 385.)

Mr. Norman B. Wood, assistant superintendent, says: "I saw the boys in bathing, Saturday. The boys I had punished I noticed the flesh was discolored, but saw no blisters and broken flesh." (Page 393.) "I was in charge of the Farm House in January. During that month I punished eighteen boys,—some on the hand, some on the thigh and buttock, the pants being dropped. I punished Coughlin on the bare flesh, for whispering; Lee in the same manner, for murmuring; Young in the same manner, for whispering." (Pages 399, 400.) "Q. As the school is now constituted, do you think order could be preserved without using the sweat-box, the strait-jacket, and the strap upon the person? A. It would seem almost impossible to me."

Mrs. S. B. Moore, matron, says: "I suppose it would be generally called abhorrent to every idea of propriety to strip a young man to the waist and flog him. I think no punishment could be too bad for Fitz-Gibbons." (Page 414.)

Edward F. O'Shea, boy, says (age, 21 last November): "Was at Westborough thirty-eight months, was whipped with a flat trace over the back; was blistered so I could not sit down." (Page 191.) "I saw Mr. Hall punish McGafferty on the back." (Page 194.)

Edward Burns, boy, says (age, 18): "I was whipped with a round tug, with nothing on but a thin shirt, by the superintendent. He said I made a noise. I was punished as long as he could whip me, and I refused to say I did it. In the morning he licked me till I told him I did do it." "Q. Did you do it?" "A. No, sir; I didn't do it." "He left black and blue marks all over me; I felt the effects for a week." (Page 203.) "A boy named Kelly was punished,—I saw him in bathing the Saturday after he got his

licking. His back was all purple, with pimples as big as my finger." (Page 207.)

Frank Cunningham, boy, says (age, 18 years): "I have seen boys who have been punished there with black and blue blisters all over their backs and bodies, from their necks to their feet." (Page 245.)

Joseph Lombey, boy, says (age, 16): "Eight or nine boys took some peanuts from a barrel, and Mr. Phillips strapped us. He took my jacket off, and struck me over the back. I couldn't lean against anything for a week for pain." (Page 441.) "One morning Dunn was whispering to me, and Mr. Bigelow gave him a punch and knocked him down, and then strapped him. He knocked him down with his fist." (Page 445.) "I saw Mr. Bigelow knock Burns down for whispering. He struck him in the face; then he strapped him." (Page 446.)

Frederick A. Hector, boy, says (age, 18): "I was monitor, and allowed to answer any question a boy asked me. A boy asked me a question, and I went to answer, and Mr. Rawson said I was fooling. Then he said he was going to lick me. He pulled out a revolver, and I went with him to the barn. He made me take my shirt off, and pulled me down on the floor, and then beat me with a trace. He pulled me to the floor by my hair. He whaled me a long time." (Pages 449, 450.) "I have seen other boys marked up. One, McMahan, is down at the Farm House now." (Page 452.) "When the master of the shop was out, I struck boys; if I didn't keep order, he would flog me. I struck a great many boys there." (Page 454.)

Dennis Sullivan, boy, says (age, 16): "Mr. Wood accused me of taking some meat from a dish. I told him I didn't. He made me take off my jacket and pants, and strapped me." (Page 457.) "Mr. Rawson found Flynn and me whispering. He said 'Come down here.' I went to the tool-shed. He made me pull down my pants, and struck me two or three times with a harness-trace; then I pulled them up again. Then he knocked me down, and went at me again, and struck me about 40 blows." (Page 458.)

Thomas Flynn, boy, says: "Mr. Rawson took me out of the shop for whispering. He took down my trousers, and pulled up my shirt, and strapped me on the bare skin with a trace. He was down on me on his knees. He struck me between 40 and 50 blows. I hollered." (Page 461.)

Here Mr. Davis, of the Legislative Committee, stated as follows: "I came up here with Mr. Tompkins, and saw the evidence in this case, and saw the evidence in the other two cases. I made an examination of the persons of the boys, and I found this Sullivan marked

very severely with the strap, all the way from the back of his neck nearly to the knees. The wales went around the body and across the back. His body seemed in a very bruised condition, and he was really a horrible sight to see!" (Page 460.) Mr. Davis also says: "Though his skin was dark, there was no trouble in tracing the blows on his naked back and shoulders. The blows were numerous, and heavily struck." (Page 455.)

John J. Dunn, boy (age, 15), says: "One day I was tying my shoe, and Mr. Bigelow told me to stand out. I did so, and looked at him. He said he wasn't going to be eat up by such a little boy as I was, and knocked me down. I got up, and he knocked me down again. It made my head ache all day." (Page 465.) "Another day Colonel Shepherd took me into the cellar and took off my pants and strapped me so I carried marks for a month." (Page 466.) "I have seen other boys have such marks,—Clark, Miller, Ludden and Manning." (Page 469.)

James Kelly, boy, says: "The second day I was here my clothes were taken down, and I was strapped until I was all black and blue." (Page 488.) "Another time Mr. Wood took down my pants, and pulled my shirt up over my head, and strapped me with a big strap." (Page 484.) "I am in the Trust House."

I declare to you, that, in my judgment, the cruelty and brutality with which those poor, defenceless boys have been treated, is awful to contemplate. It is unparalleled in any similar institution in the world.

If any of those men in that institution had beaten or treated a horse or a dog as boys have been beaten and treated there, a hundred times within six months, the Society for the Prevention of Cruelty to Animals would have had him arrested and imprisoned. The negro, in the worst days of slavery, was treated better on an average cotton-plantation or rice-field. Our eyes have seen marks and scars made on children of 13 to young men of 20, by floggings administered from sixteen days to three months before, and yet we have seen only a small part of the iniquity. Every effort has been made to gloss over cruelties which should bring a blush to the cheek of every Massachusetts man.

The CHAIRMAN. To which do you refer, Mr. Allen?

Mr. ALLEN. To those by the superintendent, the assistant superintendent and the officers of the institution, every one of whom was putting the best face he could upon what, in a clear view of the facts, he must have known was wrong, and a bad matter.

The natural result has followed. The boys who have been there longest seem to be the worst. Collins, who led the riot, has been there since 11 or 12 years of age.

And the trustees, two of them at least,—the chairman and Dr. Harvey,—say they knew of these punishments all the time, and approved them. Mr. William H. Baldwin, one of the trustees, heartily regrets and is sorry for what has been done there. The other trustees have sat silent and dumb during this investigation. The superintendent and most, if not all, of the teachers there, who have testified, say they could not get along without using the punishments.

Some years ago, for permitting cruelties not one-tenth so bad, Gov. Banks, all honor to the Iron Man of Waltham for that good deed, removed the trustees there. The present executive should imitate that example, and the first thing done by their successors should be to make nearly or quite a clean sweep of those teachers who do not think they can manage in any other way.

Power is cruel; cruelty feeds on itself. The superintendent of that institution, naturally a kind-hearted man, found beating and flogging there when he took charge, and it has steadily grown and new cruelties have been invented since. If any one had told him, five years ago, that 300 boys under his care would have been treated as these have been, he would have answered, "Is thy servant a dog that he should do this thing?" Yet he has been swept along by the natural current.

The right to inflict corporal punishment in a place walled in and bolted and locked, is dangerous in any hands; a hundred floggings or other punishments can be inflicted there and no one outside ever know it. A writer to the "Boston Herald," well says:—

"The fallacious nature of all excuses thus far offered by the trustees, through their counsel, is conspicuously evident. The trouble lies deeper,—deeper, seemingly, than the trustees, superintendent and teachers have the ability to fathom. It is their ignorance of the principles of psychology; their violation of the eternal principles of Christianity; their forgetfulness of the fact that love begets love, hate begets hate, harsh dealing, harsh dealing. It is in forgetting 'to temper justice with mercy'; in short, in allowing the whip and strap ever to be taken into the institution at all. These implements of punishment are the potent influences that have evoked the spirit of evil in these boys, and developed them for, if not fixed them irretrievably in, the criminal class of the future. If this be so, how terrible the responsibility resting on the guardians of those unfortunate wards of the State. The public has waited almost too patiently. They look with confidence to the governor of the State, who alone, I fear, has it in his power to right the stupendous wrong, and move forward the hands upon the dial-plate of humanity."

The suggestions which I have to make to this Committee are these:—

First. Let those of the trustees and the officers who believe in the present style of management be removed, and humane men put in their places.

Second. Abolish corporal punishment, or limit it to a certain number of blows on the hand. Carry out in fact the by-laws of the institution, which say :—

“ CHAPTER 15. *Discipline.*—The object of the institution being reformatory rather than penal, the government is intended to be parental and kind, and the law of love should be the ruling element in all the discipline of the establishment. The means of restraint and of punishment should be solely of a moral nature, except in the last resort.”

Third. Perhaps it would be well that no boys over 15 be sent there. It has been proposed that boys be discharged at 18 or 19. That will not do. Good boys are now let out at those ages. The bad ones should not be.

Fourth. The State is providing a new part, which is more like a prison. Let the worst boys, in small numbers, be removed to that. Let the work be harder, the play less, and the fare less luxuriant there. Let the worst punishment in the old part be the removal of a boy to the new, and the reward of obedience and good behavior in the new be a return to the old. Let it be understood that no boy in the old part can be severely punished except by sending him to the new, and that no boy in the new can be discharged except by expiration of his sentence, until by his good conduct he has won the right to be returned to the old part.

With these changes, this school may become what its founders designed it, and be a help to many. Without some change, it is hardening and ruining many young men ; inflaming all angry and hateful passions ; driving them in the direction of the state prison ; and is a shame and a disgrace to Massachusetts.

